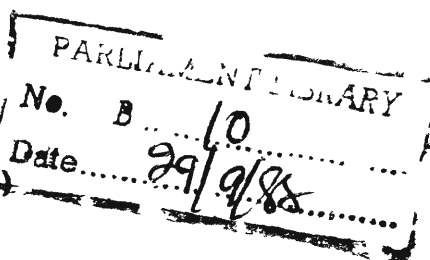


LOK SABHA DEBATES

(English Version)

Tenth Session
(Eighth Lok Sabha)



(Vol. XXXVII contains Nos. 21 to 30)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

LOK SABHA

*Wednesday, March 23, 1988/Chaitra 3,
1910 (Saka)*

*The Lok Sabha met at
Eleven of the Clock*

[Mr. SPEAKER in the Chair]

[Translation]

SHRI BALKAVI BAIRAGI : I hope that today Shri Dandavate will keep his cool.

MR. SPEAKER: First, you provoke them and then expect them to keep their cool.

ORAL ANSWERS TO QUESTIONS

[English]

Christians of Scheduled Caste Origin

*406. PROF.K.V. THOMAS: Will the Minister of WELFARE be pleased to state:

(a) whether Government have received

representation from different organisations to include Christians of Scheduled Caste origins in the list of Scheduled Castes; and

(b) if so, the action taken thereon?

THE MINISTER OF STATE OF THE
MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAL) : (a) Yes, Sir.

(b) according to para 3 of the Constitution (Scheduled Castes) Order, 1950 amended upto date, no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a Scheduled Caste.' In view of this, persons professing christianity cannot be recognised as Scheduled Castes.

PROF. K.V. THOMAS: Sir, the founding father of the Constitution decided to give economic concessions and privileges to the Scheduled Castes and Scheduled Tribes and backward communities because these people were economically and socially backward for a very long period. I would like to say whether these Scheduled Caste persons belonged to any religion or community were not considered at all. Now, a peculiar situation has arisen. A christian or a muslim scheduled caste person is not given the economic privileges that is being given to a Hindu or Sikh Scheduled Caste person. Another anomaly is that a Christian or a Muslim Scheduled Castes person, who is denied the privilege of Scheduled Caste, when he changes his faith to Hinduism or Sikhism, again this privilege is restored. I

think that this is natural injustice. I would like to know whether the Government would reconsider the point and amend the Constitution so that Christian and Muslim Scheduled Caste persons are given the concessions and privileges of the Scheduled Castes.

DR. RAJENDRA KUMARI BAJPAI: It is very clearly stated in the constitution and according to that we do not accept this.

PROF. K.V. THOMAS: Sir, in 1950 when the Amendment was made regarding Scheduled Castes, certain apprehensions were raised by the minority community. Sir, with your permission I would like to read out a few lines of the letter written from the Prime Minister.

MR. SPEAKER: No, it is not allowed.

PROF. K.V. THOMAS: Sir, Panditji gave an assurance to this effect and according to the Constitution amendment of 1950, it was just to protect the Scheduled Caste and Scheduled Tribes seats in Parliament and State Legislatures. It has nothing to do with other economic concessions given to the Scheduled Castes belonging to Christian or Muslim communities. Now, I want to know whether the government will look into this assurance given by Panditji.

DR. RAJENDRA KUMARI BAJPAI: Sir, untouchability is observed only in Hindus, not in Christians or Muslims. So, the question does not arise.

SHRI BASUDEB ACHARIA: Sir, at present one Scheduled Tribes community or Scheduled Caste community recognised in one State.

DR. RAJENDRA KUMARI BAJPAI: There is no untouchability in Scheduled Castes and Scheduled Tribes.

(Interruptions)

SHRI BASUDEB ACHARIA: No, I am not talking of or asking about untouchability. That is a separate question.

One Scheduled Tribes community or Scheduled Caste community is recognised in one State as Scheduled Tribes or Scheduled Caste community. But in another State, that particular community is not recognised as such. For example, the tribals of Chotanagpur have shifted from Chotanagpur to Assam to work in the tea gardens. They are recognised as Scheduled Tribes in Bihar, in Chotanagpur, but they are not recognised as Scheduled Tribe in Assam. We have sent several representations for their recognition as Scheduled Tribes, I mean, those who shifted from Chotanagpur and settled in Assam, as Scheduled Tribes. I would like to know whether the Government will consider them also and give recognition to those who settled in Assam as Scheduled Tribes.

DR. RAJENDRA KUMARI BAJPAI: Sir, this is in the State List and each State has got its lists of Scheduled Tribes and Scheduled Castes, especially Scheduled Castes. And one State has got one type of Scheduled Castes, but that type of Scheduled Castes may not be recognised in other States. Like that one tribe, as the hon. Member has just now said that in Chotanagpur some Tribes are recognised as Scheduled Tribes.

SHRI BASUDEB ACHARIA: They have shifted to Assam.

DR. RAJENDRA KUMARI BAJPAI: Yes, I know they have shifted to Assam tea gardens, they are not recognised there. The Assam Government has recognised them as OBC, i.e. Other Backward Classes, and they are receiving all sorts of concessions and that OBC....

(Interruptions)

SHRI BASUDEB ACHARIA: They have to be recognised as Scheduled Tribes there.

DR. RAJENDRA KUMARI BAJPAI: they have not recognised them as Scheduled Tribe. A representation is made to the Ministry and we are considering that, but it is a State subject.

SHRI V. SOBHANADREESWARA RAO: Sir, whatever may be the stand taken by the Fathers of our Constitution, the Government subsequently has brought so many amendments to the Constitution and Sir, practically there is no difference in educational social and economic conditions of Harijan Christians as well as Harijans.

MR. SPEAKER: Harijan Hindus.

SHRI V. SOBHANADREESWARA RAO: Harijans Hindus In the same family some-times a brother may take christianity, but that does not mean that he is advanced in all aspects. So, keeping in view the realities in the present conditions in the good olden days when the British were ruling, the situation may be different because they might have extended some educational and medical facilities to untouchables in those days, but now after 40 years, the situation of the Harijan Christians is in no way different from Harijan Hindus and in view of this fact, will the Government make a suitable amendment? Also in some States the washermen community is treated as a Scheduled Caste community. In Andhra Pradesh it is not treated as a Scheduled Caste community and the Andhra Pradesh Assembly has passed a Resolution and the Government has recommended to the Union government for inclusion of washermen in Andhra Pradesh in the list of Scheduled Castes. If so, what action the Government will take and by what date the Government will come forward with necessary amendments to the

Constitution?

DR. RAJENDRA KUMARI BAJPAI: Sir, it is true that converted Christians are also poor, but they come under the general category and so, under the 20-point programme they are taking benefit of that. The 20-point programme is not only for one class, it is for all the people who are below the poverty line. So, under that, either Muslims or Hindus or Christians everybody is benefited.. (Interruptions). They cannot be treated as SCs when they change to Christianity or Islam. They will not get that privilege. They will get the benefit under the 20 Point Programme. All the programmes which are there the poverty alleviation programme will take care of them.

The second part of the question of the hon. Member is about the recognition of the washermen community in Andhra Pradesh and in other places. That is under consideration of the Government. The list of the Scheduled Caste and the Scheduled Tribe can be changed only through an Act of Parliament. Only Parliament can do it. I cannot give any specific date about that.

Representation of SCs/ STs in Government Services

*407. SHRI BANWARI LAL BAIRWA: Will the PRIME MINISTER be pleased to state:

(a) whether the representation of SC/ ST in services of Government and particularly in government bodies and undertaking is very low and much below the minimum required percentages in those classes in which direct recruitment is less than 67 per cent and where promotions are based on selection method; and

(b) whether Government are considering to modify the reservation orders about promotions within Class I services where selection is on a limited time basis to improve

the representation of SC/ST in class I services?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS: (SHRI P. CHIDAMBARAM) : (a) The representation of SC/ST in

the various groups in Central Government services and the position of representation of SC/ST in the Public Sector Undertakings is indicated in the statement I and II below .The representation position of SC/ST in posts filled by promotion by selection and where the element of direct recruitment is not more than 67% is not separately monitored.

(b) No, Sir.

STATEMENT-I

Representation of Scheduled Castes and Scheduled Tribes in services of Government as on 1.1.1987

Group	Total No. of employees	Scheduled Castes	Percentage	Scheduled Tribes	Percentage
A	57,707	4,752	8.23	1,182	2.05
B	75,483	7,857	10.41	1,450	1.92
C	21,31,666	3,08,119	14.45	90,160	4.23
D	11,68,312 (Excluding sweepers)	2,34,743	20.09	68,220	5.84
TOTAL	34,33,168	5,55,471	16.18	1,61,012	4.69

*For Deptt. of Telecommunication figures for the year 1985 have been included as the figures for 1986 are yet to be received.

**The figures relating to representation of Scheduled Castes and Scheduled Tribes in Govt. Bodies under various Ministries/Departments is not available.

STATEMENT-II

Representation of Scheduled Castes and Scheduled Tribes in Public Sector Undertakings (As on 1.1.1987)

REPRESENTATION OF SCs/STs					
Group	Total No. of employees	Scheduled Castes		Scheduled Tribes	
		No.	Percentage	No.	Percentage
1	2	3	4	5	6
A	1,61,825	7,862	4.86	1,904	1.17
B	1,62,339	10,010	6.17	2,522	1.55

1	2	3	4	5	6
C	13,94,015	2,58,500	18.54	1,23,017	8.82
D	3,99,000	1,23,010	20.82	68,111	17.07
(excluding sweepers)					
D (Sweepers)					
	38,900	30,150	77.51	1,311	3.31
TOTAL	21,56,079	4,29,532	19.92	1,96,865	9.13

[Translation]

SHRI BANWARI LAL BAIRWA: Mr. Speaker, Sir, I had based this question on the most important source from where data could be available and that is the last report of Commission on Scheduled Castes and Scheduled Tribes which was submitted in 1983-84. The Commission has observed on page 72 of that Report, and I seek your attention to it, that "Despite repeated correspondence with highest Administrative authorities, most of the Union Territory Administrations have not sent detailed information regarding the recruitment of Scheduled Castes and Scheduled Tribes in Services." In reply to the question of footnote to the statement says;

[English]

"The figures relating to representation of Scheduled Castes and Scheduled Tribes in Government Bodies under various Ministries/Departments is not available."

[Translation]

It confirms what I have said and also the observations made by the Commission. As the Hon. Prime Minister is present here, I would like to urge him particularly to make some special arrangements so that the Commission could get timely information in

this regard from all the departments and the people are benefited.

[English]

SHRI P. CHIDAMBARAM: Sir, as far as Government of India is concerned, we have information as on 1.1.1987 and we are now compiling information as on 1.1.88. If any State has not reported the information to the Commission and if the hon. Member will tell the names of the States, I will look into that report and ask them to furnish the information.

[Translation]

SHRI BANWARI LAL BAIRWA: Mr. Speaker, Sir, the hon. Minister has stated in the statement that the representation of Scheduled Castes and Scheduled Tribes in Class A services is 8.23 and 2.05 per cent respectively. The representation of Scheduled Castes in B category services is 10.14 per cent, whereas of Scheduled Tribes, it is 1.92 per cent. Despite untiring efforts on the part of the Government, the percentage has remained very low. There are two main reasons for it. Firstly, the roster system adopted by the Government is not properly maintained and secondly, the liaison officers are usually low ranking officials, who cannot have their say before the higher officers, and that is why the reserved quota is not filled up

fully. Thirdly, the promotions, according to seniority should be automatic, I would like to ask whether the Government is making some arrangements for reservation in the selection grade?

[English]

SHRI P. CHIDAMBARAM: Sir, while in absolute terms, the percentage of Scheduled Castes and Scheduled Tribes in Group 'A' and Group 'B' posts is not quite satisfactory, and we have not reached the desired limit of 15% and 7 1/2% which is the reservation provided for. May I point out that in relative terms, there has been improvement over the last twenty years. For example in Group 'A' in 1965, there were only 318 Scheduled Castes employees. Today we have 4,752. In Group 'B' there were 864 employees in 1965 and today we have 7,857 employees.

Similarly, Scheduled Tribes. In Group 'A', there were 52 employees. Today we have 1,182. In Group 'B' there were 103 and today we have 1450. Government is making every effort to ensure that Scheduled Castes and Scheduled Tribes are adequately represented in Group 'A' and Group 'B'. Steps have shown some results, although I would not say that the results are entirely satisfactory.

[Translation]

SHRI RAM PYARE PANIKA: Mr. Speaker, Sir, time and again the matter of reservation has been discussed in this House. Undoubtedly, the Central Government is in favour of reservation and is also making efforts for it. I want to ask the hon. Minister whether entries will be made in the character-roll of those officers who are not discharging their responsibilities and are creating hurdles in not filling the reserved quota for class II and class III posts. We do not doubt the intention of the Government.

We doubt those officers who often take the plea that suitable scheduled caste persons are not available for a post despite clear orders by the Government in this regard. The reserved quota in I.A.S and I.P.S. is being filled because they are getting suitable candidates but they don't get them for class II and III posts. I would like to know from the hon. Minister whether the Government will make efforts and try to achieve it under a time bound programme by the end of Seventh Five Year Plan?

[English]

SHRI P. CHIDAMBARAM: I share Hon. Member's views. But, let me point out the problem is not in Group 'C' and Group 'D'. In fact, in Group 'C' and 'D' as against in the vacancies, by and large, vacancies are filled. For example, in 1986 in Group 'C', in the Scheduled Castes 22,409 vacancies were reserved and 24,179 were filled including carry-over. The reluctance on the part of some officers or at some level is only in Group 'A' and Group 'B'. Various excuses and various reasons are given. We do not view with favour officers giving such excuses. It is monitored by my colleague in the Ministry of Social Welfare. It is monitored by the Ministry of Personnel. We are anxious to ensure that all vacancies reserved for Scheduled Castes and Scheduled Tribes in Group 'A' and Group 'B' are filled every year. If any officer deliberately defaults, we shall certainly do what the Hon. Member has said.

SHRI SYED SHAHABUDDIN: I am thankful to you. I do not have the statistics at hand. But the Hon. Minister has produced the figures about the representation of Scheduled Castes and Scheduled Tribes in Group 'C' and Group 'D' posts. My impression is that they are over-represented particularly in Group 'D' (Interruptions) yes they are over-represented. I also recall, some time back, the Minister of Home Affairs used to supply figures dividing Group 'D' into non-

sweepers and sweepers. Of course, among the sweepers, the Scheduled Caste and Scheduled Tribe had the privilege of occupying 90% or 95% of the posts. My question to the Hon. Minister is whether the Government is trying to ensure that other social groups are well represented among Group 'C' and Group 'D'.

SHRI P. CHIDAMBARAM: If you call it 'over representation' -I am using that word within inverted commas -there is 'over representation' in the sense the Hon. Member is referring to only in Group 'D' among the Scheduled Caste excluding sweepers. I don't accept the charge Sir.

SHRI SYED SHAHABUDDIN: What about sweepers? Among sweepers it is 100% reservation.

SHRI P. CHIDAMBARAM: There is no reservation and again the Hon. Member is using this word in a totally different sense. As far as Group 'C' is concerned, the Scheduled Caste reservation is 15%. We have now achieved 14.45%. It is under represented in Group 'A' and Group 'B' it is only 8.23% and 10.41% respectively. Every effort is being made and will be made to bring up this level to at least 15% as provided for.

[*Translation*]

SHRI RAM NAGINA MISHRA: There is no doubt that reservation for scheduled Castes and Scheduled Tribes has improved their economic status. But it is often seen that the same people are getting the benefit of reservation again and again. In fact, two classes have emerged in these communities. One is well-off because they have derived maximum benefit and the other is very poor. I want to ask the hon. Minister if the Government is thinking of excluding such people from further reservation? If this is not done, the condition of the poorest among the - Scheduled Castes and Scheduled Tribes

would become miserable. Will the Government consider imposing restrictions on those who have availed of the reservation facility and have become well-off in the interest of the rest?

[*English*]

SHRI P. CHIDAMBARAM : No such question is under consideration Sir.

Schools for Handicapped and Disabled Persons

*408. **SHRI CHINTAMANI JENA :** Will the Minister of WELFARE be pleased to state:

(a) whether Government have decided to open schools and Colleges to impart education to the handicapped and disabled persons;

(b) the number of such schools Government propose to open with the names of places as well as States/Union Territories in the Seventh plan period;

(c) the number of disabled and handicapped people in each of the State and Union Territories; and

(d) targetted number of handicapped and disabled persons to whom the Government propose to impart education and the amount required to achieve the target?

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): (a), (b) and (d). Besides integrated education which will cover the majority of the handicapped children by suitable training and orientation in selected integrated schools, it is proposed to provide special schools for the several handicapped children.

It is proposed that these schools may be

set up in a phased manner at least one in each District so as to provide coverage in all parts of the country.

The number of such schools will depend upon the availability of resources with the Central and State Governments and the initiatives taken by the non-governmental

organisations.

(c) A statement regarding the number of physically handicapped persons in each State and Union Territory as per the 1981 National Sample Survey is given below. No. National survey regarding the incidence of mental retardation has yet been done.

STATEMENT

No. of Physically Handicapped Persons having at least one of the Physical disabilities***

** By applying prevalence rate to population of census 1981*

*** Physical disability covers i) visual ii) hearing and /or speech and iii) locomotor disability*

State/UT		Number of handicapped persons (figures in lakhs)		
		Rural	Urban	Total
1	2	3	4	5
1	Andhra Pradesh	9.96	2 22	12 18
2.	Assam	1 48	0 16	1 64
3.	Bihar	11 46	1 16	12 62
4.	Gujarat	3.54	1 18	4 72
5.	Haryana	1 95	0 63	2 58
6.	Himachal Pradesh	0 66	0 035	0 695
7.	J & K	0 83	0 117	0 94
8.	Karnataka	5 00	1 42	6 42
9.	Kerala	3.40	0 79	4 19
10.	Madhya Pradesh	5.79	1 17	6 96
11.	Maharashtra	6.78	2 59	9 37
12.	Manipur	0.075	0 018	0 093

17 Written Answers		CHAITRA 3, 1910 (SAKA)	Written Answers 18	
1	2	3	4	5
13.	Meghalaya	0.123	0.013	0.136
14.	Nagaland	Not surveyed	0.004	
15.	Orissa	5.03	0.456	5.486
16.	Punjab	3.13	0.76	3.89
17.	Rajasthan	5.55	1.17	6.72
18.	Tamil Nadu	6.88	3.36	10.24
19.	Tripura	0.389	0.034	0.423
20.	Sikkim	Not surveyed	-	-
21.	Uttar Pradesh	1731	2.94	20.25
22.	West Bengal	6.50	1.394	7.89
23.	Andaman & Nicobar	Not surveyed	-	-
24.	Arunachal Pradesh	Not surveyed	-	-
25.	Chandigarh	0.0032	0.063	0.0662
26.	Dadra & Nagar Haveli	0 0105	Not Surveyed	-
27.	Delhi	0.095	0.55	0.635
28.	Lakshadweep	Not surveyed	-	-
29.	Goa, Daman & Diu	0.114	0.0365	0.150
30.	Mizoram	0 057	0.0111	0.068
31.	Pondicherry	0.095	0.101	0.196
Total		96.201	22.38	118.58

SHRI CHINTAMANI JENA: Hon'ble Speaker Sir, You will kindly see from my question part (d) that I have asked the targeted number of handicapped and disabled persons to whom the Government propose

to impart education and the amount required to achieve this target. But the Hon. Minister in her reply only answered that it is proposed to provide special schools for the severely handicapped children; but neither the num-

ber of such schools to be opened nor the amount required for it is given. In view of this, may I know from the Hon. Minister the number of such severely handicapped children in the country, how many such schools in each of the district would be opened to impart education and the target fixed for the end of the 7th Plan period and how much of amount will be required and how much of such severely handicapped children would be imparted education?

DR. RAJENDRA KUMARI BAJPAI: I have placed on the Table of the House a list of handicapped persons and I have given Statewise figures also. Their total number is 96.201 lakhs according to 1981 census.

The national policy on education, 1986 and the programme of action for implementing this policy has spelt out a number of areas in which schools for the disabled should be established. I cannot give the figure of each State and district but I have got the round figure. The programme of action suggested the following break-up for establishment of these schools; 400 schools during the remaining period of the Seventh Plan, 5000 special schools during the Eighth Plan and establishment of 10,000 schools by the end of Ninth Plan. We are also imparting training to 500 teachers every year. In this year we propose to establish 196 schools at the cost of approximately Rs. 25 crores.

SHRI CHINTAMANI JENA: I congratulate the Minister for having taken up this magnificent programme during the year of disabled. In the statement laid on the Table of the House there are 9 States where the percentage of handicapped persons is more as per 1981 census and this number must have further increased. May I know whether there is any new scheme during this year of the disabled to impart this type of education to more children in these 9 States where the percentage of disabled persons is much

more?

DR. RAJENDRA KUMARI BAJPAI: Our scheme is for whole of India and wherever there is more disability we will take care of them.

SHRI V. S. KRISHNA IYER: There are number of voluntary organisations which are running institutions for the physically handicapped. For instance, in Bangalore there is one technical institute for deaf run by the Association of Deaf. It is one of the best institute. Fifty deaf boys are trained every year. They approached the Government of India for grant but so far no grant has been sanctioned to them. Will the Minister consider giving grant to this institute as well as similar other institutions in our country?

DR. RAJENDRA KUMARI BAJPAI: The State Government have to recommend their case. If they have forwarded then certain we will consider.

SHRIMATI D.K.BHANDARI: There are a large number of mentally retarded children in the country but from the Statement I find no survey has been made. Will the Government make some survey to find out how many children are there in the country with mental retardation and also given them the benefits which the Government are giving to the handicapped children?

DR. RAJENDRA KUMARI BAJPAI: No national survey regarding the incidence of mental retardation has been done in the country but we have got statistics about the mentally retarded.'

SHRI JAGANNATH RAO: May I know if there are any schemes for the rehabilitation of the visually handicapped, for their education and vocational training? What are the schemes in the Seventh Plan?

DR. RAJENDRA KUMARI BAJPAI: We

have got our national institute for visually handicapped in Dehradun. There are also zonal institute about visually handicapped. There, teachers are getting training through Braille. Voluntary organisations have also taken up this. Visually handicapped children are getting education. Proper training is given. Ninety per cent assistance is given to them by the Government.

Pending Applications for Freedom Fighters Pension

*409. SHRI RANJITSINGH
GAEKWAD:
SHRIMATI PRAEHAWATI
GUPTA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of applications received for pension to the Freedom Fighters and from the families of the deceased freedom fighters during the years 1986 and 1987, State-wise;

(b) the number of such applications scrutinised and pension granted and the applications rejected, State-wise;

(c) whether a large number of applications of pension to Freedom Fighters are pending;

(d) if so, the reasons therefor; and

(e) the steps taken to cut short the delay in their disposal?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) to (e). The last date for submission of applications was fixed as 31.3.1982. However, the applications of Arya Samaj participants were invited upto 30.6.1986. State-wise details of applications received, case sanctioned and rejected cases are given in statement-I below . Out of 4,46,062 applications received under the Freedom Fighters Pension Scheme, 1972 and the Swatantrata Sainik Samman Pension Scheme, 1980 as on 31.1.1988, 1231 cases are awaiting finalisation. Out of them, 442 cases are those having some special features which could not be disposed of during special drive in the last financial year, 784 cases are to be scrutinised by the Committee of Non-Officials on Arya Samaj movement cases and 5 cases pertain to the Committee on Sind cases. State-wise position has been shown below in Statement-II.

The cases having special features will be finalised on receipt of verification reports from the concerned State Governments. Various non-officials Committees have been constituted to help in speedy disposal of pending cases. The remaining cases will be finalised on receipt of the report of the concerned Non-Official Committees after scrutiny.

STATEMENT-I

	Name of the State	No. of applications received	No. of sanctioned cases	No. of rejected cases	Pending
1	2	3	4	5	6
1.	Andhra Pradesh	278	2	180	96
2.	Bihar	211	-	18	193

1	2	3	4	5	6
3.	Delhi	60	5	22	33
4.	Gujarat	3	1	1	1
5.	Haryana	245	5	136	104
6.	Himachal Pradesh	6	-	2	4
7.	Jammu & Kashmir	4	1	1	2
8.	Karnataka	134	2	65	67
9.	Madhya Pradesh	19	-	11	8
10.	Maharashtra	133	17	91	25
11.	Punjab	205	-	16	189
12.	Rajasthan	47	2	19	26
13.	Uttar Pradesh	141	7	99	35
14.	West Bengal	1	-	-	1
		1487	42	661	784

STATEMENT -II

Maharashtra 28

Pendency of applications under Swatantrata Sainik Samman Pension Scheme (State-wise) as on 31.1.1988

West Bengal 37

442

(a) Cases having special features:

(b) Arya Samaj Committee cases

Name of the State	Pending cases.
1	2
Andhra Pradesh	45
Bihar	276
Kerala	10
Madhya Pradesh	46

Andhra Pradesh	96
Bihar	193
Delhi	33
Gujarat	1
Haryana	104
Himachal Pradesh	4

1	2
Jammu & Kashmir	2
Karnataka	67
Madhya Pradesh	8
Maharashtra	25
Punjab	189
Rajasthan	26
Uttar Pradesh	35
West Bengal	1
	<hr/> 784 <hr/>
(c) Sind Committee cases	5
Total	= 1231.

SHRI RANJIT SINGH GAEKWAD: Before I ask the supplementary question, I would like to lodge a complaint with you. Today, when I came in the House, I wanted to see the answer. I could not find a single folder with the answer. I don't know why some more copies cannot be handed out from the office especially to those Members who have got starred question.

SHRI SHANTARAM NAIK: Here I have got it.

SHRI RANJIT SINGH GAEKWAD: There are several occasions.

[Translation]

MR. SPEAKER : You have lost the case.

SHRI MADAN PANDEY : Mr. Speaker, Sir, statements are generally torn off.

SHRI RANJIT SINGH GAEKWAD: If it is a statement, it has to be torn off.

[English]

SHRI RANJIT SINGH GAEKWAD: Several times I have referred cases of freedom fighters to the State Government. I have gone through the papers before referring the cases to them. I have found that the papers were in order. In spite of that, in many instances, the cases have been rejected.

I would like to know from the Government whether such rejected cases can be referred to the Central Government body to get justice.

SHRI CHINTAMANI PANIGRAHI: Sir, I hope the copies have almost reached all the Members.

SHRI RANJIT SINGH GAEKWAD: Not all (Interruptions)

SHRI CHINTAMANI PANIGRAHI: As I was explaining, out of 4,46,062 applications received, we have, till last October, sanctioned about 1,44,593 cases. State-wise figures are also here but it will take a long time to read out all the figures. But I can say, for Andhra Pradesh, we have sanctioned about 8,887 cases, Assam 4,122 Bihar-the maximum 22,367. Likewise it goes on in all the States.

SHRI MANIK SANYAL: Number of cases in West Bengal?

SHRI CHINTAMANI PANIGRAHI: We have sanctioned 16,300 which is next to Bihar.

As hon. Mr. Gaekwad suggested, some cases were rejected. There was a special drive in August 1986. So, about 72,000 cases were rejected in that special drive

because it was pending for 17 years but then the Non-official Advisory Committee in which we have freedom fighters have suggested that it might be by mistake that some genuine cases might have been rejected. Therefore, there should be scope for appeal. We are entertaining appeal and we are scrutinising every case and even during the last one year we have sanctioned 5000 cases who have been freedom fighters.

SHRI RANJIT SINGH GAEKWAD:

Unlike rest of the pensioners, the freedom fighter pensioner does not get a rise in his pension whenever there is steep rise in prices. In view of that I would like to know from the Government whether they would review this matter and solve the problem.

SHRI CHINTAMANI PANIGRAHI: As

all the hon. Members are aware, our Government is fully concerned with the sacrifices made by the freedom fighters in the country and it was only Indiraji who first initiated such a scheme to have some kind of political pension and facilities to the freedom fighters. Therefore, we always remember all the freedom fighters and we remember whatever gesture she has shown in this country. But unfortunately what happened is, I do not know whether I should mention it or not, during 1977, such a noble scheme was discontinued and fortunately, when Indiraji came back, she again restarted the whole scheme and we are giving them more and more liberalised facilities to the freedom fighters and even free voyage to Andamans. It has been extended now Prime Minister Rajiv Gandhi has also given all his sympathy to the scheme so that they can get more and more facilities. Our friends has mentioned about these things, you must be knowing Sir, that the pension was only Rs. 200 and Indiraji increased it to Rs. 300 and again she increased it to Rs. 500. Now, the question is whether we shall increase it further but when the Government is always sympathetic to these causes, when time comes when there

is little economic constraint in the country now, whenever any opportunity comes we shall take the first opportunity.

[Translation]

SHRIMATI PRABHAWATI GUPTA: Mr.

Speaker, Sir, it is a great achievement that the Government is giving pension to nearly 1.5 lakh freedom fighters. On the other hand, the cases of many other freedom fighters, who will not survive for long, have been certified and recommended by the State Governments. I want to know the number of such cases and also of those which have been rejected by the Government. Will the Government sympathetically reconsider the cases which have been rejected? The Hon. Prime Minister is also present in the House. The railways had given free travel facility to the freedom fighters for one year. Is the Government going to extend this facility for another year?

[English]

SHRI CHINTAMANI PANIGRAHI: We

have not extended that free travel by one year but one year facility was given and we have extended it because what happened was that we provided money for 1,45,000 freedom fighters for free travel but only 50,000 availed it of, as we found when we analysed the whole thing and monitored. Therefore, what we have done is, through radio, TV and in the newspapers also, we have appealed to them to kindly take advantage of this opportunity, this one year facility. The other question the hon. Member is asking is whether we are going to extend by another one year. I think this is the question that is being asked. We are always sympathetic to these two things, railway free travel by one year and increase of pension amount by Rs. 250 but when the economic constraint is over, we will be taking up the matter and the Government is always sympathetic towards the freedom fighters (Interruptions)

SHRIDINESH GOSWAMI: I will pursue the last question asked by Shrimati Gupta. Only fifty thousand freedom fighters have availed of this opportunity. What is the difficulty for giving the railway pass for the whole life, What is the rationale for giving it for one year only? If you give it for the whole life, what? in fact, is going to be the cost? Their number of 1.45 lakh and that is nothing.

SHRI CHINTAMANI PANIGRAHI: This is a suggestion and it can come up before the non-official Advisory committee for consideration.

SHRI SOMNATH RATH: The Hon. Minister has given State-wise information about the number of applications received, number of sanctioned cases, number of rejected cases and number of pending cases. However, Orissa is missing. Is the hon. Minister shy of giving the figures of Orissa because he comes from that State? I would like to know, how many cases for sanction of pension to freedom fighters have been received from Orissa, sanctioned and rejected? Further, in the definition of freedom fighters, have those freedom fighters who remained underground and did not go to jail been included?

SHRI CHINTAMANI PANIGRAHI: Recently a delegation of freedom fighters came from Orissa also. We have sanctioned pension in sixty two cases to those who were in the camp jail. as far as Orissa State is concerned, we have sanctioned pension in 3813 cases. And recently we have also sanctioned pension in hundred more cases.

In the guidelines provided by the non-official Advisory Committee and accepted by the Government, a provision for pension is also there for the underground freedom fighters if they can provide sufficient evidence like warrants of arrest, why they went underground, whether somebody knows that they had gone underground etc. There is

a provision for that and we have sanctioned pension in many such cases. Only adequate evidence should be there..(Interruptions).

As I said, out of 14000 applications, we have sanctioned pension to 3813 freedom fighters only in Orissa. We have sanctioned pension similarly in other States also.

PROF. MADHU DANDAVATE: I want to ask a question based on the first-hand information given to me by some of the freedom fighters when they went to make enquiries about their pending freedom fighter's pension applications with retrospective effect. Has it been brought to the notice of the hon. Minister that when some of the freedom fighters went to the concerned office to make enquiries about the clearance of their pension with retrospective effect, they have been told that if they are willing to part with a part of the payment that they would receive, then their applications will be cleared?

Further the names of 97 persons were announced in this very House for unilateral grant of pension to those prominent persons who had not sought pension themselves. It is a fact that many of them have not received their pensions till this date? If so, will the Government give clearance to that immediately?

SHRI CHINTAMANI PANIGRAHI: I am sorry if there are such cases as has been brought to the notice of the hon. Member. We would take very strong action if he can give us a single instance of such cases. He must be aware of them. We shall take immediately steps.

PROF. MADHU DANDAVATE: I shall send you the information.

(Interruptions)

MR. SPEAKER: No more supplement-

taries. Too much time has been spend on this question.

PROF. MADHU DANDAVATE: He has not completed his answer.

MR.SPEAKER: I did not stop him. I cannot allow any more supplementaries on this.

SHRI CHINTAMANI PANIGRAHI: Sir, the other part of the Dandavateji's question was about the '97 freedom fighters. I would like to say that I have personally written letters to them and I have also personally seen whether all the sanctions are reaching there or not. If any body has not received it, you give me the name and I will see it.

MR. SPEAKER: Individual cases you can see all the time.

(Interruptions)

MR. SPEAKER: You can give me in writing about the Half-an-hour discussion.

[Translation]

Electronics Industry In Himachal Pradesh

*410. SHRI K.D. SULTANPURI: Will the PRIME MINISTER be pleased to state:

(a) the names of the districts in Himachal Pradesh where electronic industry in being set up and the items to be produced in these industries; and

(b) the details of the grant being given by the Union Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOP-

MENT ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) and (b). A statement is given below:

STATEMENT

- (a) Electronics units are being set up in different areas of Himachal Pradesh e.g. Solan, Kalka, Kulu, Shimla, Shoghi, Barotiwala, Palampur, Paonta Sahib, Samshi, Una, Sirmour and other backward areas. The items propose to be manufactured include Black and White Television, Colour Television, Telephone Instruments, Electronic Private Automatic Branch Exchange (EPABX) Rural Automatic Exchange (PAX) Mini/Micro Computers, Computer Peripherals, Electronic Typewriters, Electronic Instruments including Professional Grade Equipment and a wide range of Electronics components such as Printed Circuit Boards (PCBs) Colour television Deflection Components, colour TV Tubes, TV Tuners, Capacitors, Ferrites, Magnetic Tape, Floppy Disks, DC Micromotors, Crystals, etc.
- (b) There is no grant given by the Centre to any State for the setting up of electronic industries. Hill districts, falling under 'special region districts' of Category 'A backward areas, however, enjoy a central subsidy of upto Rs. 5 million for electronic projects. In addition, the Central Government has provided financial support in setting up Electronic Test and Development Centre at Solan. Technical Assistance has also been provided

to set up a Computer Centre at Shimla.

the electronic production. That is the range of the advancement the State has achieved.

[*Translation*]

SHRI K.D. SULTANPURI: The hon. Minister has said in his reply that hill districts, falling under 'special region districts' of category 'A' backward areas, enjoy a central subsidy of upto Rs. 50 lakhs. I would like to know who are the people in the hilly areas of Himachal Pradesh, who have received this Central subsidy and where have they set up these units?

[*English*]

SHRI K.R. NARAYANAN: Sir, for the electronic projects in special, the Government gives a subsidy of Rs. 5 million. For laboratories and institutions like that which come under the CSIR, and I think Palampur is under the CSIR, they are financed by CSIR, Palampur is one of the stations which are being helped by the CSIR itself. Apart from that, as I said, there is also a Computer Centre in Shimla which is assisted by the Government of India.

[*Translation*]

SHRI K.D. SULTANPURI: The hon. Minister has said that Himachal Pradesh has made rapid progress in the field of electronics. I want to know if there is any proposal to set up an electronic industry in the border areas of the State? Will the Government try to tap the potential for setting up electronic industry in the hill districts of Lahul-Spiti and Nahan? What is the criteria on for setting-up such industries?

[*English*]

SHRI K.R. NARAYANAN: Sir, in Himachal Pradesh in 1981 the electronic production was zero. Today, in 1988, the Himachal Pradesh is producing worth Rs. 5 crores of

As regards the border areas, we have not taken specific account of the border areas. But the whole of Himachal Pradesh is environmentally and climatically a suitable region for setting up of electronic industry though it has some handicap in the sense that infrastructure and human resources have not been sufficiently developed. We are helping the State to develop these things. I have the list of industries which have been established in that State. I will be very happy to send this to the Hon. Member.

DR. CHANDRA SHEKHAR TRIPATHI:

There is no difference of opinion that this is an electronic age and it is true that the Government of India is providing various facilities, like giving subsidies and amenities for setting up an electronic industry in our country. But as far as I have seen most of the electronic industries are importing the entire machinery, technical knowhow from abroad. They are manufacturing all the things with the technology borrowed from overseas. May I know from the Hon. Minister what steps the Ministry is going to take for the promotion of indigenisation, particularly in the field of electronic industries in our country.

SHRI K.R. NARAYANAN: The question is not really relevant to this particular Question. But I can tell the hon. Member that we have reached a stage of indigenisation in the electronic industry and inputs are only up to 25 to 30 per cent.

SHRI VIJAY N. PATIL: In the case of electronic industries some of the people are using some smuggled goods and are importing some electronic watches or digital watches. Is it possible to help some industries to manufacture these electronic watches or digital watches here?

(*Interruptions*)

SHRI K.R. NARAYANAN: I must say that this question does not arise out of this particular question.

SHRI VIJAY N. PATIL: In Himachal Pradesh also there are electronic industries.

SHRI K.R. NARAYANAN: Yes. There are electronic industries in Himachal Pradesh. There is one electronic watch industry in Himachal Pradesh. Electronic clocks are being manufactured by Raghav Electronics in Solan.

ICCR'S Expenditure

*411. SHRI RAJ KUMAR RAI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether any austerity measures have been taken during the last two years by the Indian Council for Cultural Relations to effect economy in its expenditure such as curtailment of lunches and dinners, review in the standard of hospitality etc. Keeping in view the severe drought faced by the country; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir. Austerity measures have been taken by the Indian Council for Cultural Relations when the severe drought faced by the country became apparent.

(b) Hospitality offered by ICCR to foreign delegations and visitors sponsored by the Council was generally at a low level during the last two years. Except where

protocol made it absolutely necessary, they were not offered official entertainment by the Council. From April 1986 to June 1987, out of 102 delegations only 17 were offered official entertainment amounting to Rs. 61,447/-. From July 1987 till date, out of a total of 29 delegations/visitors only 4 were officially entertained by the Council at a cost of Rs. 8,434/-.

[*Translation*]

SHRI RAJ KUMAR RAI: Mr. Speaker, Sir, I have raised this question because as per my knowledge, nearly 5 per cent of the Budget of Indian Council for Cultural Relations is spent on dinners and entertainment. The hon. Minister has just now told the House that except where protocol made it absolutely necessary, the visitors or the delegates were neither offered lunch nor dinner. The Council has been very kind enough to do so. Out of a total of 29 delegations/visitors only 4 were officially entertained by the Council. The hon. Minister has stated that the Government took a decision to curtail these things, stop wastage and avoid expenditure on unnecessary items in view of the severe drought in the country. (*Interruptions*)

Kindly listen to me, I am coming to the Question. The Director General**..... of Indian Council for Cultural Relations issued a letter dated 31-12-1987, and I want to read it in the House. If you allow, I can lay it on the Table of the House... (*Interruptions*)

MR. SPEAKER: What is this?

SHRI RAJ KUMAR RAI: This letter was addressed to all officers and staff members.

[*English*]

*All officers and staff members are cor-

dially invited to a New Year Lunch to be held on January 1, 1988 at 1.15 P.M. in the Art Gallery."

[Translation]

MR. SPEAKER: What does this mean? Why don't you put the question?

(Interruptions)

SHRI RAJ KUMAR RAI: Thus, all officers and staff members were invited on 1.1.1988 for lunch... (Interruptions)

[English]

SHRI CHANDRA PRATAP NARAIN SINGH: He has mentioned the name of an officer who cannot defend himself. The officer's name should not form part of the record.

MR. SPEAKER: It will not.

(Interruptions)

[Translation]

MR. SPEAKER: What are you doing? You always repeat the same thing.

SHRI RAJ KUMAR RAI: The auditors were invited to lunch in the same Art Gallery on 13.1.87. Banquets were arranged in big Hotels. Sir, I am mentioning their names... (Interruptions).

MR. SPEAKER: Do not mention the names but put your supplementary.

SHRI RAJ KUMAR RAI: Were these things so important that despite Government, orders to maintain austerity in the wake of drought, it was essential to invite the auditors for lunch at Ashoka Hotel? (Interruptions)

MR. SPEAKER: Now when you have reached Ashoka Hotel, please try to conclude. Put your question if you so desire.

[English]

SHRI K.R. NARAYANAN: First of all, May I say that five per cent of the Budget was not spent on entertainment at all. As I have said, it is much below that. We have made a saving on that account. Apart from that, if I may say, from the Soviet Festival which was held here, from the ICCR programme for the performing groups, we have saved a considerable sum. In fact by raising revenue through the tickets for the Soviet Ballet, for the Circus etc., we have raised money which has been contributed to the Prime Minister's Relief Fund. This is a very impressive figure. We have contributed Rs. 1.25 crore out of the revenue earned through this Cultural event to the Prime Minister's Relief Fund. We propose to contribute another Rs. 1 crore before the end of the Festival.

[Translation]

SHRI RAJ KUMAR RAI: This a good thing that they have earned, so much revenue. I just want to know... (Interruptions)

MR. SPEAKER: Please ask if you have any another supplementary.

SHRI RAJ KUMAR RAI: If the Government was to maintain austerity in the wake of the drought, then, what was the need to indulge in such wasteful expenditure?

[English]

SHRI K.R. NARAYANAN: I must say that this is a most unfair question. Auditors must have been present in one of the Lunches which were given but they could not have been given exclusively for them. May I say that, when we invite Delegations to India, it is not according to our tradition not to

give them even a meal. It is against our entire ethos and culture! So we have to do something for them.

Addition of Ships to Coast Guard

*412 SHRI MOHANBHAI PATEL: Will the Minister of DEFENCE be pleased to state:

(a) the number of ships operated by Coast Guard Organisation at present to check smuggling activities;

(b) whether these ships are not sufficient to cover all the zones; and

(c) if so, Government's plan to add more ships in the fleet with latest equipments fitted?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SONTOSH MOHAN DEV): (a) to (c). Assisting the Customs and other concerned authorities in anti-smuggling operations is one of the various duties assigned to the Coast Guard under the Coast Guard Act. The Coast Guard does not have a fleet earmarked for this purpose but utilises different types of available vessels to assist in anti-smuggling operations. Considering the vastness of the operational area and the variety of the other statutory responsibilities of the Coast Guard, its overall force level needs augmentation. This is being done within a phased programme and appropriately equipped vessels are planned to be acquired to increase the overall force level of the Coast Guard.

[*Translation*]

SHRI MOHANBHAI PATEL: Mr. Speaker, Sir, I would like to ask the hon. Minister whether it is a fact that Pakistani Coast Guards and Indian Coast Guards are in collusion with each other near Kutch

Boarder and they demand a particular amount as hush money every month from the fishermen fishing there? Further, I would like to know whether it is also a fact that the fishermen who refuse to pay this amount are forcibly taken away and lodged in Pakistani jails and there are several fishermen who are now under detention in Pakistan? If so, what action does the hon. Minister propose to take in this regard?

THE MINISTER OF DEFENCE (SHRI K.C. PANT): I have no such information.

SHORT NOTICE QUESTION

[*English*]

Memorandum from Ambassadors of Arab Countries

1. SHRI SURESH KURUP: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have received a memorandum from a delegation of Arab Ambassadors expressing apprehensions about the reported decision of Government to play Davis Cup at Tel Aviv; and

(b) if so, the reaction of Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND

MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir.

(b) Government have consistently supported the inalienable right of the Palestinian people to self-determination and to an independent State in their homeland. Government have been deeply concerned by and have condemned the brutal

repression by the Israeli authorities of unarmed Palestinians in the occupied territories. Consistent with India's solidarity with the Palestinian cause India will not play Israel in the Davis Cup play off match scheduled to be held in Tel Aviv in April.

SHRI SURESH KURUP: It is good that after so many days of vacillation and uncertainty, Government has at last come forward with a categorical reply that we are not going to play Davis Cup on the Israeli soil. Actually, Government should not have allowed this rumour to spread, causing apprehension and confusion... (*Interruptions*) among the Palestinian people, and in the entire Third World.

Right from the days of our freedom struggle, we have been consistently supporting the Palestinian cause. Now for the last three month, a heroic struggle is going on, by the Palestinian people in the Israeli-occupied areas. Through this reply, if the Minister is trying to make clear that our stand regarding Israel has not changed, I would like to know from him why they allowed the Israeli team to come over to India during last July and play Davis Cup here on our soil.

SHRI K.R. NARAYANAN: May I tell the hon. Member, first of all, that Government did not spread any rumours or cause any rumours to be spread. There are sufficient sources for rumours in this country.

Secondly about playing Israel, may I say that India's record has been principled and consistent. The hon. Member, I think, is aware that there are several non-aligned countries and several Socialist countries where Israeli teams have played in their territories. (*Interruptions*) And, therefore, it should not be mentioned that India has done something wrong. As I said, our basic policy remains; it has been consistent, but today when there is taking place a very massive repression of unarmed people in Palestine,

when there is an uprising, almost a spontaneous uprising and it is being repressed by the Israeli forces ruthlessly, we cannot send a group to play in that country, at this time. This is a major factor.

But what has happened is this. There is our principled position. It has become necessary to demonstrate it conspicuously today, at this time, because of this repression that is going on in Palestine, by not sending a team to play in Tel Aviv.

SHRI SURESH KURUP: I had asked about the attitude of our country, not of any other country. It would have been good if we had followed the Socialist countries in every aspect, not only in this.

(*Interruptions*)

In his answer, the Minister has made it clear that if this massive uprising was not going on in the Israeli-occupied area, we would have considered sending our team to Israel. That is a very painful thing.

A section of the Press has already reported that some talks are going on between Government of India and the Government of Israel regarding normalising the relations between India and Israel, and that Government is contemplating to reopen the Israeli Consulate at Bombay. I would like to know from the Minister whether it is correct or not.

SHRI K.R. NARAYANAN: The rumour is absolutely false, that India is negotiating with Israel for establishing relations.

As regard the Consulate....

SHRI SYED SHAHABUDDIN: It is already functioning.

SHRI K.R. NARAYANAN: As regard the Consulate, there has been one in Bombay for a long time. It was not closed. Only the

Consul-General has been sent away because of a statement that he had made about Government of India's policy. Two Vice-Consuls are functioning there. They can function only in Maharashtra, purely for consular purposes, and nowhere else.

I want to tell the hon. Member that the Arab Ambassadors calling on us and representing, has nothing to do with the decision that we have taken. It is a decision taken. Independently by the Government of India in accordance with its own judgement and sovereign rights.

About our relations with other countries, playing with other countries, what I have pointed out is only an example because we do not have to rely on this example. But it is a fact that the Israeli tennis team has played in Czechoslovakia and the Israeli tennis team has played in the Soviet Union as also Czechoslovakia. These are the facts. But we are not going to play in Israel. (*Interruptions*) Therefore, it is very important (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: That is good.

SHRI INDRAJIT GUPTA: May I mention another rumour. I hope it will be only a rumour.

MR. SPEAKER: It is a rumour a day.

SHRI INDRAJIT GUPTA: Davis Cup fixtures have generally nothing to do with the government; they are fixed on our side by the All India Lawn tennis Association, which is one of the Sports Associations in this country, which are, sometimes we are told that they are autonomous and the government should not interfere, in their activities. The rumour that was afloat a few days ago was that those who are in charge of the All India Lawn Tennis Association, they were very much opposed to getting this fixture cancelled, because, according to rules, and

I think that will now apply also, our All India Lawn Tennis Association will have to pay a fine of 10,000 dollars for not keeping to their engagement in Tel Aviv; also they will not be allowed, India will not be allowed to participate in the Davis Cup tournament for next three years. As far as Olympic games are concerned, in the tennis fixture, we will not be allowed to participate. If these conditions are enforced — 10,000 dollars after all are not a very astronomical sum — and if the ALLTA is going out of pocket, I would request the hon. Minister to reimburse them to the extent of that fine. As far as not being allowed to play in the Davis Cup or in the Olympic games is concerned, I don't think the Heaven will fall, because, in any case, we always lose, we never win.

SHRI K.R. NARAYANAN: Last time we had won against Israel. That is a fact. (*Interruptions*) I would like to say, as a matter of fact, that it is a sacrifice on our part that we have taken this principled decision. When the Arab Ambassadors called on the External Affairs Minister, they had emphasised this; they appreciated that it involved a sacrifice on our part. Therefore, it is for a principle and according to our own judgement of the situation existing in Palestine today that we have taken this decision. As regards cancelling this, it is a fact that the All India Tennis Association had asked for a change of venue and also at least postpone-ment of this event in Israel which was not agreed to by the International Tennis Federation.

SHRI CHANDRA PRATAP NARAIN SINGH: I would like to say that the very meaning of sporting spirit is to play the game and not only to win.

(*Interruptions*)

SHRI G.M. BANATWALLA: Our government has a very consistent and principled policy with respect to our relations

with Israel. But, despite this consistent and clear cut policy, is it not a fact that serious aberrations, advertently or inadvertently, come up in this policy of ours in respect of our attitude towards Israel? For example, the functioning of the Israel Consulate in Bombay is one of those serious aberrations.

In this matter also, is it not a fact that there was initial hesitation on the part of the Government to come to decision not to play the match in Tel Aviv? And it is this hesitation which led to this undue delay and the spread of rumours and everything. When did the Arab Ambassadors here in Delhi meet the Government? When was the decision taken? I am also sorry to say that perhaps it was this initial decision of the Government which led to my question not being admitted initially. Perhaps they took an attitude that it was all arranged by private bodies and that they were not concerned with it. It is only when I followed it up with you vigorously that this question bearing on the same topic has been admitted as an unstarred question for today.

Why all this hesitation? What is the Government doing to see that these hesitations and these aberrations do not come in the way of our policy so that there is no misconception and no rumours are spread to our disadvantage? The aberrations may be inadvertent. That is a different thing. But they also should be avoided. When was the decision taken? When did the Arab Ambassadors meet? Why this long delay despite our consistent policy?

SHRI K.R. NARAYANAN: There has been absolutely no aberration as far as India's policy towards the Palestine question is concerned. In fact, this policy is clearer and stronger than the policy followed by some of the very important Arab countries themselves. I am sure, the hon. member is aware of that. In fact, when the Arab Ambassadors came to represent on this, what they

said was that they came not to express their anxiety but to express their confidence that consistent with the policy of the Government of India, our team would not go to Tel Aviv to play. This was the way they put it. They were confident that consistent with our policy, we would not go there.

As far as the decision is concerned, it is immaterial when the decision has been made. What is important is that the decision has been made and there has been absolutely no hesitation in regard to it. It is the privilege of the Government to make the decision public when it seems it is appropriate.

THE PRIME MINISTER (SHRI RAJIV GANDHI): Let it be very clear that we have cancelled this match because of what is happening in the occupied areas today. We have played Israel on other occasions; we will not hesitate to play Israel in the future also. That was not why we have done it. This is because of the atrocities that have been committed.

WRITTEN ANSWERS TO QUESTIONS

[English]

Scholarship to SC/ST Students

413. DR. V. VENKATESH: Will the Minister of WELFARE be pleased to state:

(a) whether the Report of the High Level Official Committee on the question of enhancement of scholarship amount and other matters under the Centrally sponsored scheme or post-matric scholarships of Scheduled Castes and Scheduled Tribes has been reviewed;

(b) if so, the salient recommendations made in the report; and

(c) the action taken on the recommendations?

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARIBAJPAI): (a) to (c). The report of the said Committee has been received. The portions involving substantial financial involvement are under examination. However, some of the recommendations have been commended for implementation to the State Governments as given in the Statement below.

STATEMENT

- (1) The Committee recommends that the procedure of disbursement of scholarships to SC/ST students should be decentralised at the institution level and system of placing sufficient funds at the disposal of the Principals Head Masters of educational Institutions on the basis of expenditure of previous year should be adopted.
- (2) In order to ensure that scholarships are disbursed on time to the students time Schedule for each activity involved should be fixed and strictly adhered to at all levels.
- (3) The Committee recommends that in renewal cases automatic renewal should be effective subject to granting of certificate by the Head of the Institution regarding completion of the previous years course. Payment through Banks in the renewal cases may be operationalised.
- (4) An official in every institution may be entrusted with the task of guiding and timely payment of

scholarship. Provision for payment of honorarium to him should be worked out and be included in the Backward Classes sector of State Plans.

- (5) The Committee is of the opinion that the action as suggested in the Programme of Action of New Education Policy, will go a long way in ensuring timely payment of scholarship to students.

Inclusion of Languages in Eighth Schedule of the Constitution

*414. PROF. NARAIN CHAND PARASHAR:
SHRI ANANDA PATHAK:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any demands have been received by Government regarding the inclusion of any languages in the Eighth Schedule of the Constitution from the people speaking these languages or their associations/Academies or State Government concerned during the past five years;

(b) if so, the details of the demand/requests received by Government and the decision taken on them; and

(c) if no decision has been taken so far, the likely date by which a decision would be taken?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) Yes, Sir.

(b) and (c). A statement giving details of demands/requests received by Government is given below. The Government are of the view that inclusion of more languages in the Eighth Schedule would create other repercussions and reactions. However, it is the

endeavour of the Government to develop the cultural and literary heritage of all the

languages irrespective of their inclusion in the Eighth Schedule.

STATEMENT

Representations Received from Speaker of various Languages, their Associations/ Akademies/State Governments for Inclusion of the Various Languages in the Eighth Schedule of the Constitution

<i>Year</i>	<i>Representation Received From</i>	<i>Language</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
1983	Akhil Bharatiya Nepali Bhasha Samiti, Meghalaya	Nepali
	Nepalee Community of Garo Hills, Meghalaya	Nepali
	Akhil Bharatiya Nepali Bhasha Samiti, Darjeeling, West Bengal	Nepali
	Akhil Bharatiya Maithili Sangh, New Delhi	Maithili
	Shri Prithibhi Majhi, Member of Parliament	Santhali
	Prof. Narain Chand Parashar, Member of Parliament	Pali
1984	Government of Bihar	Maithili and Bhojpuri
	Sanskritik Samiti, Madhepur, Madhubani, Bihar	Maithili
	Kosi Kusum, P.O. Saharsa	Maithili
	Government of Manipur	Manipuri
	Editor, Manak, Rajasthan Monthly	Rajasthani
	Akhil Bharatiya Bhasha Samiti Darjeeling, West Bengal	Nepali
1985	The Anglo Indian Activists, Bangalore	English
	Akhil Bharatiya Konkani Lekhak Sammelan, Goa	Konkani
	Akhil Bharatiya Nepali Bhasha Samiti U.P. Branch Dehradun	Nepali

(1)	(2)	(3)
	Akhil Bharatiya Nepali Bhasha Samiti, Darjeeling, West Bengal	Nepali
	Darjeeling Tea Garden Staff and Sub-Staff Association, West Bengal	Nepali
	Manav Uthan Sewa Samiti, New Delhi	Nepali
1985	Barbari Anchalik Bodo Sahitya Sabha, Kamrup, Assam	Bodo
	Rowta Primary Bodo Sahitya Sabha, Assam	Bodo
	Bijini Primary Bodo Sahitya Sabha, Assam	Bodo
	Nangapara Anchalik Bodo Sahitya Sabha, Nalbali, Assam	Bodo
	Luki Bokah Primari Bodo Sahitya Sabha, Bondapara, Distt. Kamrup, Assam	Bodo
	Bodo Sahitya Sabha, Mangaldoi, Assam	Bodo
	Bodo Sahitya Sabha, Kokrajhar, Assam	Bodo
1986	Marwari Yuva Manch, Bokakhat Branch	Rajasthani
	Akhil Bharatvarshiya Marwari Samelan, Calcutta	Rajasthan
	Balika Shiksha Sadan, Sadalpur	Rajasthan
	Rajasthan Sahitya Akademi, Udaipur	Rajasthani
	Satia Trading Corporation, Calcutta	Rajasthani
	Rajasthan Bhasha Sahitya Akademi, Jaipur	Rajasthani
	Romani Union in France	Romani
	Konkani Projecho Avaz, Panaji, Goa	Konkani
	Gorkha National Liberation Front, Darjeeling, West Bengal	Nepali & Gorkhali
	Hawaipur Nepali Sahitya Samelan, Assam	Nepali

(1)	(2)	(3)
	Joint Action Committee of Assam Nepali Organisations, Guwahati, Assam	Nepali
	All India Nepali Bhasha Samiti, Kamrup, Assam	Nepali
	Head Master Nivukhu Govt. High School, Kokokchung	Nepali
	Bhartiya Nepali Jankalyan Samiti, Siliguri	Nepali
	Akhil Bharatiya Nepali Bhasha Samiti, Darjeeling, West Bengal	Nepali
	Assam Gorkha Sammelan, Nalabari, Assam	Nepali
	Gorkha Democratic Front, Dehradun, U.P.	Nepali
	Midnapore Distt. Committee, ASEDA	Santhali
	Government of Manipur	Manipuri
	All Mizoram Manipur Association, Aizawl	Manipuri
1987	Akhil Bharatiya Nepali Bhasha Samiti, Jalpaiguri, West Bengal	Nepali
1987	Akhil Bharatiya Nepali Bhasha Samiti, Dehradun, U.P.	Nepali
	The Anglo Indian Activists, Central Street, Bangalore, Karnataka	English
	Government of Bihar	Maithili & Bhojpuri
	Goa Congress, Panaji, Goa	Konkani
	Goa Konkani Akademi, Circuit House, Panaji	Konkani
	Konkani Bhasha Prachar Sabha, Cochin	Konkani
	Manipuri Sahitya Parishad, Silchar, Assam	Manipuri
	Manipuri Socio Cultural Organisation, Tripura	Manipuri
	Manipuri Language Demand Co-ordinating Committee	Manipuri

(1)	(2)	(3)
	All Mizoram Manipuri Association, Aizawl	Manipuri
	Manipuri Sahitya Parishad, Imphal	Manipuri
	All Assam Manipuri Student Union, Silchar, Assam	Manipuri
	Student Union Leh Road College, Leh	Manipuri
	Lala Rural Student College, Lala	Manipuri
	Batrapur Manipuri Student Union, Cachar, Assam	Manipuri
	Manipuri Sahitya Parishad, Assam	Manipuri
	All Assam Manipuri Womens Welfare Assam, Silchar	Manipuri
	Progressive Youth Front Assam	Manipuri
	The Assam Pradesh Manipuri Association	Manipuri
	The Young Union Club, Imphal	Manipuri
	Vankhe Rashtra Bhasha Mahavidyalaya, Imphal	Manipuri
	Chief Editor, 'Jalte Deep' Daily, Joanpur, Rajasthan	Rajasthani
	Rajasthani Bhasha Vikas Samiti, Jamshedpur,	Rajasthani
	Maithili Mahasangh, Patna, Bihar	Maithili
	Akhil Bhartiya Maithili Parishad, Darbhanga	Maithili
	Various Representations from individuals	Rabha
1988	Konkani Bhasha Prachar Sabha, Cachar, Assam	Konkani
	Shri Prithibi Majhi, Member of Parliament	Santhali

Single Administrative Tribunal for Central and State Government Employees

*415. SHRI V.S. KRISHNA IYER: Will the PRIME MINISTER be pleased to state:

(a) whether there are separate Admin-

istrative Tribunals functioning for Central and State Government employees;

(b) if so, whether there is any proposal to have a single Administrative Tribunal to deal with service matters of both Central and State Government employees; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir. The Central Administrative Tribunal with its Benches at various parts of the country adjudicate service cases of Central Government employees. Similarly State Administrative Tribunals have been set up in Orissa, Himachal Pradesh and Karnataka for deciding service cases of the State Government employees concerned.

(b) and (c). There is already provision under section 4(5) in the Administrative Tribunals Act to have a common Tribunal for Central and State Government employees in cases where it is considered necessary and desirable.

Permission to Avail Foreign Contribution

*417. SHRI SYED SHAHABUDDIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the names of legislators, office-bearers of political parties, journalists and Government servants who have been permitted to avail of foreign contribution during the last three years;

(b) the names of foreign hosts, the extent of contribution received and the purpose thereof in each case; and

(c) the names of persons in the above mentioned categories whose applications for approval of acceptance of foreign contribution was refused by Government, year-wise during the last three years?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) to (c). Members of Legislature; office-bearers of political parties; correspondents, columnists, cartoonists, editors, owners, printers or publishers of a registered newspaper and Government servants, inter alia, are prohibited from accepting any foreign contribution under section 4 of the Foreign Contribution (Regulation) Act, 1976, except what is exempted under section 8 of the said Act. For accepting foreign contribution of more than Rs. 8000/- per year from their relatives (foreign source) such persons require prior permission under the said Act. No such permission has been sought by any such person during the last three years.

Supply of Sub-Standard Pulses to Army Supply Corps

*418. SHRIMATI PATEL RAMABEN RAMJIBHAI MAVANI: Will the Minister of DEFENCE be pleased to state:

(a) whether some of the officers belonging to Army Supply Corps were allegedly reported to be involved in the acceptance of sub-standard pulses in connivance with FCI officers at Delhi during 1984-85; and

(b) the result of CBI inquiry into the matter and the action taken against the officers held responsible for accepting sub-standard pulses offered by the F.C.I.?

THE MINISTER OF DEFENCE (SHRI K.C. PANT): (a) Yes, Sir.

(b) The CBI authorities had recommended that action be taken against five Army officers allegedly involved in this case. The Army authorities had the allegations investigated by a Court of Inquiry. The Court did not find any of the five officers responsible for any lapse. The case against the Army officers has, therefore, been closed.

[Translation]

Tribal Welfare Schemes

*419. SHRI BALWANT SINGH RAMOOWALIA: Will the Minister of WELFARE be pleased to state:

(a) whether Government have reviewed the implementation of tribal welfare schemes launched by Union Government, particularly during the last three years;

(b) if so, the outcome thereof; and

(c) the details of the schemes prepared for the coming years in this regard?

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): (a) and (b). The performance of schemes launched by Government of India is reviewed each year. The performance has been generally up to the plan target. Thus, for example against a target of 40 lakhs ST families to be economically assisted in VII Plan 27.98 lakhs families have already been assisted till the end of February, 1988.

(c) Generally speaking the ongoing schemes will be continued. In this connection mention may be made of the proposal to extend the scheme of construction of hostels for Scheduled Tribe girls to construction of hostels for Scheduled Tribe boys also and the setting up of a National SC & ST Finance & Development Corporation.

[English]

**News-Item "Sudha Goel Murder
Accused not Traceable"**

*420. SHRI ZAINAL ABEDIN:
SHRIMATI GEETA MUKHER-
JEE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the attention of Government has been drawn to the news item captioned "Sudha Goel murder accused not traceable" appearing in the Indian Express dated 19 January, 1988 which states that convicts in a dowry case are absconding to avoid life imprisonment given by the Supreme Court; and

(b) if so, the reaction of Government thereto?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) Yes Sir.

(b) Non-bailable warrants issued by the Additional Session Judge, Delhi, for the arrest of the husband and the mother-in-law were received on 16th January, 1988. The mother-in-law was produced in the court on 23rd January, 1988 and the other accused surrendered in the Court on the same day. They were sent to jail by the Court on the 23rd January, 1988.

Arrest of Pakistani Spies

*421. SHRI BALASAHEB VIKHE PATIL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Jammu & Kashmir police had arrested 15 Pakistani spies and recovered from their possession various documents relating to defence installations in the third week of February, 1988;

(b) if so, the details thereof; and

(c) whether any clues were got about the net work of these spies?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) According to information supplied by the Government of Jammu

& Kashmir, no Pak spy was arrested by the Jammu & Kashmir police during the third week of February, 1988.

(b) and (c). Do not arise.

Hostels for SC/ST Boys/Girls in Orissa

*422. SHRI SOMNATH RATH: Will the Minister of WELFARE be pleased to state:

(a) whether Orissa Government has moved Union Government to Include the schemes of construction of boys/girls hostels for Scheduled Caste and Scheduled Tribe as Centrally sponsored scheme;

(b) if so, the decision taken thereon;

(c) whether it is proposed to include in it the scheme for construction of girls hostels for Scheduled Caste and Scheduled Tribes in Law College and B.Ed. College in Bhanjanagar, District Ganjam (Orissa); and

(d) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF WELFARE (DR. RAJENDRA KUMARI BAJPAI): (a) and (b). Yes, Sir. There is already a Centrally Sponsored Scheme for girls hostels for SC/STs. The proposal to extend the scheme to boys from 1988-89 has been agreed to in principle and the details are under formulation in consultation with the state Govts. and the Administration of the Union Territories.

(c) and (d). One hostel for Scheduled Caste girls was sanctioned for construction at Bhanjanagar College in Ganjam District during 1983-84 under the Centrally Sponsored Scheme of Girls' Hostels for Scheduled Castes. The State Government has not proposed any girls' hostel for the Law College and B.Ed. College at Bhanjanagar in the Same District.

Voluntary Retirement Scheme

*423. SHRI V.S. VIJAYARAGHAVAN: Will the PRIME MINISTER be pleased to state:

(a) whether a scheme of voluntary retirement of Government employees is in operation at present;

(b) if so, what percentage of employees who have reached the eligible age for such retirement has actually retired during 1987;

(c) whether Government propose to make this scheme more attractive as an inducement for early retirement; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir,

(b) As appointing authorities in respective Ministries/Department/Offices are competent to allow voluntary retirement to the Government employees working in or under them, information about the percentage of the eligible Central Government employees, who sought voluntary retirement during the year 1987, is not centrally available in this Ministry.

(c) No, Sir.

(d) Does not arise.

Standardisation of Electronic Components

*424. SHRI H.N. NANJE GOWDA: Will the PRIME MINISTER be pleased to state:

(a) whether standardisation of elec-

tronic components under the International Electrotechnical Commission Quality assurance system which India was adopting would benefit component manufacturers and consumers a great deal;

(b) if so, whether Government are considering a proposal made by KEONICS; and

(c) by what time Government would take decision in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) to (c). A Statement is given below.

STATEMENT

(a) Yes Sir. The International Electrotechnical Commission Quality (IECQ), the only world-wide certification system of its type, is designed to facilitate manufacturing flexibility by providing a means by which electronic components made and handled by approved manufacturers and distributors may be used confidently by buyers anywhere in the world without the need for further testing.

(b) No proposal from KEONICS has so far been received.

(c) Government has already taken decision to register India as "Certifying member country" under International Electrotechnical Commission Quality Assurance (IECQ system). Necessary steps have already been initiated in this regard.

Seizure of Arms and Ammunition

*425. DR. G.S. RAJHANS:
SHRI AMARSINH RATHAWA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether bombs, arms and ammunition have been seized in large number in States like Gujarat, Jammu & Kashmir, Bihar and Uttar Pradesh.

(b) whether these arms and ammunition were generally of foreign make; and

(c) if so, the action being taken to check the inflow of illegal arms and ammunition in the country?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) and (b). According to the information furnished by the Government of Uttar Pradesh during the year 1987, 375 rifles, 2202 guns, 342 revolvers, 21,923 pistols, 349 grenades and 49,021 indigenous cartridges were seized. Some of the arms are of foreign origin. Information pertaining to the rest of the States is being collected and will be laid on the Table of the House.

(c) Steps like intensifying surveillance on the border for checking smuggling of arms and ammunition by Para-military forces, Customs and Intelligence agencies conducting Naka-bandhi, raids and other operations by police have been taken to tackle the problem.

Alleged Emigration of Minorities from Meghalaya

4334. SHRI MANIK SANYAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been instances of Nepali-speaking people in Meghalaya being forced to leave the State;

(b) whether the matter has been taken up with the Government of Meghalaya and

the outcome thereof; and

(c) the corrective steps, if any, taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) Consequent on the violent turn taken by the agitation started by the Khasi Students Union (KSU) in the Khasi Hills District in 1987 some Nepali-speaking people in Meghalaya are reported to have left the State. However, such instances have not come to notice recently.

(b) and (c). The State Government have been advised to protect the life and property of non-tribals. Steps have been taken by the State Government to create an atmosphere conducive to their return to their places of residence and business.

Increase in Major Penalty Proceedings Against Government Officials

4335. SHRI R. M. BHOYE: Will the PRIME MINISTER be pleased to state:

(a) whether there has been increase in the percentage of major penalties proceedings against Government officials in the past few years;

(b) whether certain recommendations have been made by the Central Vigilance Commission in this regard; and

(c) if so, the details regarding its recommendations which have been accepted by Government?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) No centralised data is available. It is seen from the statistical information given

by the Central Vigilance Commission in its Annual Report for 1986, tabled in both Houses of Parliament, that there has been increase in the major penalty proceedings as advised in the first stage by the Commission from 1985 to 1986.

The percentage of major penalty proceedings, advised by the Commission at the second stage, does not indicate an increasing trend, rather there is fall in percentage in 1986.

(b) No recommendations have been made by the Commission in this regard.

(c) Does not arise.

Agricultural Research

4336. SHRIMATI N.P. JHANSI LAKSHMI: Will the PRIME MINISTER be pleased to state the names of private institutions engaged exclusively in agricultural research and development? /

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): There are 34 private institutions engaged substantially in agricultural Research and Development which have valid approvals under section 35 (i) (ii) of the I.T. Act as on February, 1988. The names of these institutions are given in the statement below.

STATEMENT

List of Scientific Research Associations/institutions in the Field of Agricultural Research Approved U/S 10 (2) of I.T. Act 1922 And U/S 35 (i) (ii) of I.T. Act 1961.

1. Allahabad Agricultural Institute, Allahabad

2. Bengal Tanning Institute, Tangra, Calcutta.
3. Central Irrigation Research Institute, Poona.
4. Central Research Institute, Trivandrum.
5. Current Science Association, Bangalore.
6. Government Soil Institute, Nathnagar, Bhagalpur.
7. Indian Chemical Society, Calcutta.
8. Indian Council of Agricultural Research, New Delhi.
9. Indian Jute Mills Association Research Institute, Calcutta.
10. Indian Society of Soil Science, New Delhi.
11. Indian Tea Markets, Calcutta.
12. Institute of Agriculture, Anand.
13. Institute of Plan & Industry, Indore.
14. Nutritional Research Institute, Coonoor.
15. Rose Research Institute, Calcutta.
16. Silk Research Institute Central Silk Board, Berhampore (W.B.).
17. Aspee Agriculture Res. & Development Foundation, Bombay.
18. Associated Agricultural Development Foundation, New Delhi.
19. Bhartiya Krishi Udyog Prastishthan, Poona.
20. Bombay Natural History Society, Bombay.
21. Fredrick Institute of Plant Protection & Toxicology (FIPPAT), Chingalpet (T.N.).
22. Hexmar Agriculture Res. & Development Foundation, Bombay.
23. ICMF Cotton Development & Res. Association Textile Centre, Bombay.
24. Jai Research Foundation, Val-sad (Gujarat).
25. Karnataka Institute of Applied Agricultural Research, Karnataka.
26. Lal Chand Agricultural Res. Institute, New Delhi.
27. Maharashtra Rajadyaksha Bagaitdar Sangh, Pune.
28. Mukund Foundation for Agricultural Research, Coimbatore.
29. National Agricultural & Scientific Research Foundation, Calcutta.
30. Ninkar Agricultural Research Institute, Sitarsa.
31. Potash Research Institute, Gurgaon.
32. Taj Agricultural Res. Centre, New Delhi.
33. United Planters Association of

Southern India, Tamil Nadu.

34. VMA Oil Seeds Research & Development Institute, Bombay.

Protest by C.S.I.R. Staff

4337. SHRI INDRAJIT GUPTA: Will the PRIME MINISTER be pleased to state:

(a) whether the Scientific and Technical staff of the Council for Scientific and Industrial Research observed a "protest day" on February 22, 1988 to press for their demands, and

(b) if so, the details of their demands and Government's reaction thereto?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONIC AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir.

(b) The demands which mainly relate to pay structure, career development opportunities, personnel policy have been discussed with Scientific & Technical Community of CSIR number of times and specific recommendations made for consideration of competent authority.

Tissue Culture

4338. SHRI H.B. PATIL: Will the PRIME MINISTER be pleased to state:

(a) whether tissue culture, the technology growing 'artificially' cells, tissues and organs of the desired genetic purity with properties of high yield and disease resistance has failed to make any significant impact on Indian farms and forests;

(b) if so, whether Government propose

to, review the working and give a serious thought with a proper programme in this regard; and

(c) if so, the steps and scheme of Government proposed in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS, AND SPACE (SHRI K.R. NARAYANAN): (a) No Sir, much of the work that has been carried out in the area of plant tissue culture has been of very basic nature and some of them are in the nature of breakthrough in technology. However there are several steps in the successful introduction of a plant on farm or forest standardisation of technology for regeneration under laboratory conditions, hardening and acclimatization, and evaluation of its field performance for several generations. In the case of forest trees, the time taken for this purpose is even longer. Such evaluation of field performance is being carried out on several crop plants and forest trees, eg: disease-free sugarcane, bamboos, eucalyptus etc. A significant impact is expected on our own farms and forests in due course.

(b) and (c). The Govt. of India have appointed several committee and task forces on the field application of the technologies developed in laboratories particularly in respect of plants of economic importance.

Drug Trafficking in Delhi

4339. CH. RAM PARKASH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of cases of drug trafficking reported and registered in Delhi during the last year; and

(b) the details of action taken in each case?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) and (b). During the year 1987, 1403 cases were reported/registered under Narcotics Drugs and Psychotropic Substances Act. 1407 persons were arrested in these cases. Out of the 992 cases challenged, there has been conviction in 33 cases and acquittal in 29 cases.

Foreign Contribution Received by various Institutions in Kerala

4340. SHRI SURESH KURUP: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the amount of financial assistance received under Foreign Contributions (Regulations) Act, by schools, colleges, hospitals and other institutions in Kerala during the last three years;

(b) the names of the countries, institutions and organisations which have given financial assistance to these bodies during this period; and

(c) the names provided by each one of them, separately?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES

AND PENSIONS (SHRI P. CHIDAMBARAM): (a) to (c). It is not feasible to furnish the details of each country, institution and organisation who have given financial assistance and also the amounts provided by each one of them during the last three years due to the voluminous nature of the information.

IPS Officials from Tamil Nadu on Deputation to Centre

4341. SHRI N. DENNIS: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of Indian police Service officers from the Tamil nadu cadre now working in the various Police establishments of the Union Government;

(b) since when they are on deputation; and

(c) the principles adopted in taking Indian Police Service Officers from the States on deputation to Centre?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) 17.

(b) A statement is given below.

(c) IPS officers are taken on Central Deputation in pursuance of IPS Cadre Rules, 1954. The officer normally serve a specified tenure. Their selection for Central Deputation depends their availability and suitability for such deputation.

STATEMENT

List of IPS officers of Tamil Nadu Cadre working in CPOs.

<i>S.No.</i>	<i>Name of the Officer</i>	<i>Date from which on Central Deputation</i>
1	2	3
	<i>S/Shri</i>	
1.	M.K. Narayanan	14.2.1959
2.	R.K. Raghavan	1.5.1983
3.	R. Rajagopalan	2.9.1983
4.	P.C. Pant	19.9.1971
5.	K.P. Jain	21.5.1983
6.	Latika Saran	1.2.1984
7.	K.G. Gopal Krishna	17.7.1984
8.	K.V.S. Gopal Krishna	17.4.1985
9.	Paramvir Singh	10.6.1985
10.	K. Vijay Kumar	5.7.1985
11.	R.N. Swami	14.6.1985
12.	Anil Verma	4.11.1985
13.	D. Manoharan	3.7.1986
14.	N. Balachandaran	24.1.1987
15.	Vibhakar Sharma	18.5.1987
16.	R.V. Gopalan	14.10.1987
17.	Bhola Nath	31.9.1987 (AN)

Free legal aid to Poors

pleased to state:

4342. SHRI AMARSINH RATHAWA:
Will the Minister of LAW AND JUSTICE be

(a) whether the scheme of providing
free legal aid to poors in the country has

been introduced;

(b) the number of persons so far benefitted in each State under the Scheme; and

(c) at what court level this aid is being provided such as lower court, Sessions Court, High Court and Supreme Court?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes Sir.

(b) As per information available with the Committee for Implementing Legal Aid Schemes, 8,78,192 persons have been provided legal aid. A statement containing the State wise information is given below.

(c) As per the Schemes obtaining in the different States and that of Committee for Implementing Legal Aid Schemes, Legal aid is available in all courts from those of Magistrates and Munsifs to Supreme Court.

STATEMENT

Number of Persons Benefitted by Legal aid Schemes

(Based on the Information with the CILAS)
As on 15.3.88

<i>S.No.</i>	<i>Name of the State/ Union Territory/ Legal Aid Committee</i>	<i>Number of Benefitted Persons</i>
1	2	3
1.	Andhra Pradesh	9237
2.	Arunachal Pradesh	369
3.	Assam	14
4.	Bihar	1809
5.	Goa	139
6.	Gujarat	12446
7.	Haryana	1284
8.	Himachal Pradesh	388
9.	Jammu and Kashmir	3224
10.	Karnataka	36570
11.	Kerala	34
12.	Madhya Pradesh	223683

1	2	3
13.	Maharashtra	26593
14.	Manipur	87
15.	Meghalaya	23
16.	Mizoram	2816
17.	Nagaland	2
18.	Orissa	54014
19.	Punjab	4848
20.	Rajasthan	10417
21.	Sikkim	148
22.	Tamil Nadu	377977
23.	Tripura	1650
24.	Uttar Pradesh	42465
25.	Pondicherry	3120
26.	Delhi	17315
27.	Supreme Court Legal Aid Committee	46957
Grand Total		878192

Protection of Civil Rights

4343. SHRI SHANTARAM NAIK: Will the Minister of WELFARE be pleased to state:

(a) whether there is any schemes for the protection of civil Rights:

(b) since when the scheme is in force,

(c) whether the same is enforced in the State of Goa;

(d) if so, the achievements under the scheme since its enforcement in Goa including the amount spent; and

(e) the proposed programmes that would be implemented in Goa in near future?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) and (b). Yes, Sir. The Centrally Sponsored Scheme of Implementation of Protection of Civil Rights has been in operation since 1974-75 in various States/ U.Ts.

(c) to (e). Detailed information is being collected from the State Govt. and will be laid on the table of the house.

Outcome of South Commission Meet

4344. DR. B.L. SHAILESH: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether India participated in the Second South-Commission meet held recently at Kuala Lumpur; and

(b) if so, the issues discussed at this meet and the outcome thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) The South Commission is an independent non-governmental body. Shrimati Devaki Jain a member of the Commission and Dr. Manmohan Singh, Member and Secretary General, participated in the meeting in their individual capacity.

(b) The meeting discussed and finalised the objectives and terms of reference of the South Commission. It also discussed the debt problem of developing countries and issued a statement on external debt.

Articles Seized by Delhi Police in Defiance of the Law

4345. SHRI KAMAL CHOUDHARY: Will the Minister of HOME AFFAIRS be pleased to refer to the reply given on 14 August, 1987 to Unstarred Question No.

2952 regarding registration of cases by Delhi Police u/s 406 IPC and state:

(a) whether as per the law as declared by the Supreme Court in Pratibha Rani Vs. Suraj Kumar articles like furniture utensils, gentwears, etc. have been omitted from the list demanding return of Stridhan u/s 406 IPC;

(b) if so, the number of cases out of said 354, in which Delhi Police seized certain articles in defiance of the above law during raids of the houses of respective in-laws; and

(c) the action take or proposed to be taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) All items of "Stridhan" including furniture and utensils etc. are taken into consideration.

(b) and (c). No seizures have been made in defiance of the Law. Seizures have been made in 234 cases out of the 354 cases reported.

Transfer of Dandakarenya Development Project

4346. DR. KRUPASINDHU BHOI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the average annual establishment expenses of Dandakarenya Development Project;

(b) whether Government have a proposal to transfer the project to the Orissa Government;

(c) whether the decision to transfer the project had taken by Government in 1982 ; and

(d) if so, the reasons of the delay in transferring this project?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) Rs. 5.31 crores.

(b) and (c) . The Dandakarenya Project consists of 4 zones viz the Paralkota and Kondagaon zones in Madhya Pradesh and the Umerkote and Malkangiri zones in Orissa. As the work relating to the resettlement of Displaced Persons in these areas was then more or less complete, a decision was taken by the government in 1982 to transfer the assets and institutions of the Project to the respective State Government free of cost.

(d) After the transfer of the assets, Government of India was to provide funds to meet the deficiency in the assets and institutions taken over by the State Government and to bear expenditure on maintenance for a period of five years. The quantification of funds required for deficiency and maintenance, working out of modalities of transfer, together with attendant formalities, had to be gone through before the actual transfer could commence. After completion of formalities the transfer of assets was effected in a phased manner, beginning with 1985. As of now, all the assets in Paralkote and Kondagaon zones stand transferred to the Government of Madhya Pradesh. Assets in the Umerkote zone have since been transferred to the Government of Orissa, except only the zonal hospital at Umerkote. As regards the last of the four zones, the Malkangiri zone, funds required for deficiency and maintenance of assets were quantified in consultation with the State Government during 1986-87 and it was decided to transfer the assets in a phased manner. The

educational institutions have already been taken over by the Government of Orissa. The other assets are to be taken over shortly by the Orissa Government.

Upliftment of Banjara Tribes

4347. SHRI HARIHAR SOREN: Will the Minister of WELFARE be pleased to state:

(a) whether Government have identified 'Banjara' tribes living in different parts of the country;

(b) if so, the population of such people;

(c) the measures adopted by Government for the upliftment of 'Banjara' tribes living in the country in general and Orissa in particular; and

(d) if so, the details thereof;

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) Ethnic groups answering to the requirement of a tribal society and suffering from primitive traits, distinct culture, geographical isolation, shyness of contact from the community at large and backwardness are classified as Scheduled Tribes in each State and notified as such. In the list of Scheduled Tribes in Bihar, and Orissa 'Banjara' finds a place. In Andhra Pradesh the 'Sugalis and 'Lambadies' are treated as synonym of Banjara in the lists of Scheduled Tribes. In certain other States/ Union Territories the term 'Banjara' appears in the lists of Scheduled Castes.

(b) The population of Banjara or their synonym recorded as Scheduled Tribes are as follows according to 1971 census:-

Andhra Pradesh	1,32,464
Bihar	1,807
Orissa	6,283

(c) and (d). Measures adopted for the uplift of Scheduled Tribes are available to Banjaras in the States of Bihar, Orissa and Andhra Pradesh wherein the local community by that name has been specified as a Scheduled Tribe. These measures extend to family-oriented beneficiary programmes, protection against exploitation, development of education, training, infrastructure development and upgradation of tribal areas.

Alleged Emigration of Minorities from Assam

4348. SHRI MOHANBHAI PATEL:
SHRI MUKUL WASNIK:
SHRI MANIK SANYAL:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of any instances of forcible emigration of minority community from Assam;

(b) if so, whether the matter has been taken up with the concerned State Government and the outcome thereof; and

(c) the steps taken by Government to safeguard the interests of the minority communities in the State?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) to (c). No. Sir, However some complaints have been received regarding harassment of Indian citizens in the process of detection of foreigners in Assam. These complaints have been referred to the State Government for appropriate remedial action. The State Government have assured that instructions have been issued for proper supervision of detection process by senior officers so as to avoid harassment to Indian citizens.

Review of Rental Laws

4349. SHRI P.M. SAYEED: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has undertaken a review of the rental laws; and

(b) if so, since how long the Commission has been working on it?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ) : (a) No, Sir.

(b) Does not arise.

Installation of Statue of Jayaprakash Narayan

4350. PROF. MADHU DANDAVATE: Will the Minister of DEFENCE be pleased to state:

(a) whether clearance was sought from the Defence Ministry for the installation of Jayaprakash Narayan's statue in Calcutta by the west Bengal Government on a piece of land which is in the possession of the Defence Department but which is not required by them for their use;

(b) if so, whether the clearance has not so far been given for the installation of Jayaprakash Narayan's statue; and

(c) if so, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) Yes, Sir.

(b) and (c). A policy decision has recently been taken to keep the Calcutta Maidan as an open area as far as possible. In view of this, clearance has not been given for installation of certain statues including that

of Jayaprakash Narayan, requests for which had been received by the Ministry of Defence.

Agreement with AOC Storekeepers Association

4351. SHRI AJAY MUSHRAN: Will the Minister of DEFENCE be pleased to state:

(a) whether a tripartite agreement was reached by Government with AOC Storekeepers Association and it was clarified that the agreement would be implemented to the extent possible; and

(b) - if so, the reason of withholding implementation of outstanding items of the agreement and steps contemplated to implement the agreement in toto?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) and (b). Subject to consultation with the Ministry of Finance, fulfilment of other essential pre-conditions and the final approval of Govt. a package deal was discussed and formulated with the AOC Storekeepers Association.

The implementation of a part of the package, which has not as yet been given effect to, has not so far been found feasible.

[*Translation*]

Action Against Drivers Under Influence of Liquor

4353. DR. CHANDRA SHEKHAR TRIPATHI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the action against the drivers under the influence of

liquor in Delhi has been recently stepped up;

(b) if so, the number of persons apprehended for driving in a drunken state and the action taken against them;

(c) whether the State Governments have been advised to extend this drive to other parties of the country; and

(d) if so, when

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) Yes, Sir.

(b) In the month of December, 1987, 2525 persons were detected, driving vehicle while under influence of alcohol. They were challaned u/s 117 of M.V Act.

(c) and (d). No, sir.

[*English*]

Royalties on the Book 'Indian Wins Freedom'

4356. SHRI RAM DHAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Indian Council for Cultural Relations has been receiving share of royalties on the book 'India wins freedom' written by late Maulana Abul Kalam Azad;

(b) if so, the total amount received from the publishers so far; and

(c) how this money is proposed to be utilized?

THE MINISTER OF STATE IN THE
MINISTRY OF EXTERNAL AFFAIRS (SHRI
K. NATWAR SINGH): (a) Yes, Sir.

(b) The total Royalties received by the
Indian Council for Cultural Relations from
the publishers so far is Rs. 56, 201.90.

(c) It is proposed that an essay compe-
tition to be funded through the interest
earned on the Royalties received will be
announced on 11th November, 1988, the
Centenary Birth Anniversary of Maulana
Abul Kalam Azad.

Growth Rate of Population

4357. SHRI S. G. GHOLAP: Will the
Minister of HOME AFFAIRS be pleased to
state the growth rate of population according
to census of 1971 and 1981 in India and in
UP, Bihar and Jammu and Kashmir States?

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
CHINTAMANI PANIGRAHI): The informa-
tion required is furnished in the statement
given below:-

STATEMENT

Percentage Decadal Growth Rate

India/State	1961-1971	1971-1981
India	+24.80	+25.00@
Uttar Pradesh	+19.78	+25.49
Bihar	+21.33	+24.06
Jammu & Kashmir	+29.65	+29.69

1. @ Worked out after including in the 1981 Census figures, the projected population of Assam where the 1981 Census could not be conducted owing to disturbed conditions prevailing in the State then.
2. The reference dates for the Censuses were respectively March 1, 1961; April 1, 1971 and March 1, 1981.

Replacement of Equipments for Effi- ciency in Meteorological Services

4358. SHRI HAFIZ MOHD. SIDDIQ:
Will the PRIME MINISTER be pleased to
state:

(a) whether with a view to increasing the
efficiency in day-to-day meteorological serv-
ices to sectors like agriculture, flood control

etc. It was proposed in the Seventh Plan to
replace some of the major equipments like
radio theodolites, wind finding-cum-weather
radars, cyclone detection radars, X-band
storm detection, high pressure hydrogen
generators, VHF traverses ponders, com-
munication responders, teleprinter ma-
chines etc;

(b) if so, the progress made in this
regard so far; and

(c) whether the new equipments have proved their worth and found more suitable?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K. R. NARAYANAN): (a) Yes, Sir.

(b) Some old equipment has already been replaced by new equipment. Remaining equipment has been ordered and it is expected to be received and installed before the end of the 7th Plan period.

(c) Yes, Sir.

Per Capita Income and Gross National Product

4359. SHRI MAHENDRA SINGH: Will the Minister of PLANNING be pleased to

state:

(a) the per capita income in the country registered for the years 1987-88, 1986-87, 1985-86 indicating the State/Union Territory-wise figures in this regard;

(b) the Gross National Product recorded for each year; and

(c) the rate of industrial and agricultural growth recorded each year?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) The latest official estimates released by the Central Statistical Organisation relate to 1986-87. The following table presents the estimates of per capita income in the country for the years 1985-86 and 1986-87 at current and constant (198-81) prices;

Year	Estimates of per capita income	
	Rs.	
	at current price	at 1980-81 prices
1985-86	2721.0	1835.9
1986-87	2974.5	1869.3

The official estimates of Net State Domestic Product (NSDP) and per capita NSDP are compiled by the respective State Governments and the latest available estimates relate to 1986-87. The relevant estimates for the years 1985-86 and 1986-87

are given in the Statement below:-

(b) The estimates of Gross National Product at current and constant (1980-81) prices are as under:

*Estimates of Gross National product**(Rs. crores)*

<i>Year</i>	<i>at current prices</i>	<i>at constant (1980-81) prices</i>
1985-86	231876	155000
1986-87	259155	161298

(c) The rates of industrial and agricultural growth as measured by the growth in the gross domestic product at constant

(1980-81) prices in the sectors of manufacturing and agriculture for the above period are as follows:

Growth rate of Gross domestic Product in Manufacturing and Agriculture

<i>Year</i>	<i>Manufac- turing</i>	<i>Agriculture</i>
1985-86	8.8	0.6
1986-87	9.0	(-) 3.0

STATEMENT*Per Capita Net State Domestic Product at Current and Constant (1970-71) Prices*

<i>Sl.No.</i>	<i>State/U.T.</i>	<i>At current prices</i>		<i>Rupees At 1970-71 prices</i>	
		<i>1985-86</i>	<i>1986-87</i>	<i>1985-86</i>	<i>1986-87</i>
1	2	3	4	5	6
1.	Andhra Pradesh	2184	NA	743	NA
2.	Arunachal Pradesh	2834	NA	921	NA
3.	Assam	2068	2204	604	605
4.	Bihar	1548	NA	488	NA
5.	Goa*	4782	NA	1754	NA
6.	Gujarat	2775	3223	832	860
7.	Haryana	3748	3925	1229	1233
8.	Himachal Pradesh	2542	NA	788	NA
9.	Jammu & Kashmir	2173	2344	673	684
10.	Karnataka	2264	2486	756	799

1	2	3	4	5	6
11.	Kerala	2140	2371	646	639
12.	Madhya Pradesh	1960	2020	615	583
13.	Maharashtra	3430	NA	1029	NA
14.	Manipur	2383	2534	597	596
15.	Meghalaya	1981	NA	NA	NA
16.	Nagaland	NA	NA	NA	NA
17.	Orissa	1954	1957	551	535
18.	Punjab	4479	4707	1656	1648
19.	Rajasthan	2043	NA	663	NA
20.	Sikkim	NA	NA	NA	NA
21.	Tamil Nadu	2353	NA	779	NA
22.	Tripura	2065	NA	NA	NA
23.	Uttar Pradesh	2003	2146	598	607
24.	West Bengal	2744	2859	839	845
25.	Delhi	5464	6075	1745	1842
26.	Pondicherry	3810	3994	1255	1297

NA: Not made available by the concerned State Governments Source: Directorates of Economics & Statistics of respective State Governments.

Note: 1. Owing the differences in methodology and source material used the figures for different States/UTs are not strictly comparable.

Note: 2. The State of Mizoram and the UTs of Andaman & Nicobar Islands Chandigarh, Dadra & Nagar Haveli Lakshadweep do not prepare these estimates

*: figures in respect of Goa relate the erstwhile UT of Goa, Daman & Diu

Provision of Fire Safety Measures in High Rise Buildings

4361. SHRI H.M.PATEL : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been a spurt in construction of High-rise buildings in the capital;

(b) whether these high-rise buildings have adequate safety measures to meet

increasing fire hazards:

(c) whether Government have framed rules for compulsory provision of adequate fire safety measures;

(d) if so, the details thereto; and

(e) whether any action has been taken against builders or owners of such high-rise buildings for not providing adequate safety measures?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) to (e). for the last over two decades high-rise buildings are coming up in Delhi. High-rise buildings constructed after the notification of Unified Building bye-laws, 1983 are being provided with adequate fire safety measures. However, the buildings constructed prior to this Notification were not adequately equipped with fire protection arrangements. In order, to enforce fire safety measures, the Delhi Fire Prevention & Fire Safety Act, 1986 and Rules made thereunder have been enforced. Notices have been issued to the owners/occupiers directing them to implement the minimum fire safety requirements.

Action Plan on Agricultural Production

4361. SHRI P.R. KUMARAMANGALAM: Will the Minister of PLANNING be pleased to state:

(a) whether it is proposed to invite a public debate on preliminary reports prepared by the Tank force for action Plan on Agricultural Production in order to ensure people's involvement; and

(b) if so, the modus operandi decided for this purpose?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER

OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) and (b). The Report of the Framework Action plan has been widely circulated and main points have been well published through media of press, radio and television. While formulating the Action Plan the State Government machineries were consulted and the meetings were held with the State Government officials on February 7th, 8th, 28th and 29th. Subsequently under the Chairmanship of the Prime Minister a meeting of the Chief Ministers of the concerned 16 States was held on 18th March, 1988 to discuss the Framework Action Plan. The Chief Ministers agreed in total with the approach mentioned in the Action Plan and it was overwhelmingly approved. They have assured the Prime Minister that necessary steps would be taken to implement the Plan and everyone would do one's might to achieve the targets of 175 million tonnes of foodgrains by 1989-90. The media has also covered at length about this meeting of the Chief Ministers and the proceedings thereof. The matter has therefore been debated at length.

[Translation]

Special Recruitment to Army from Drought Affected Areas of Rajasthan

4363. SHRI VIRDHI CHANDER JAIN : Will the Minister of DEFENCE be pleased to state:

(a) whether Government propose to chalk out a programme to make special recruitment in Army in view of the serious problem of unemployment among educated persons;

(b) if so, the details in this regard;

(c) whether Government propose to give priority in the matter of recruitment in the

Army to the persons from Barmer and Jaisalmer districts of Rajasthan which are the border and desert areas facing drought situation every year; and

(e) if so, the time by which it will be done and how?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHANDEV): (a) to (d). Recruitment in the Army is made on the basis of requirement from time to time and not on the basis of the unemployment situation. Efforts are directed towards increasing recruitment from the border districts on the basis of which proportionate recruitment are to be made from the State of Rajasthan.

Juvenile Courts and Reform Houses

4365. SHRI DILEEP SINGH BHURIA: Will the Minister of WELFARE be pleased to state:

(a) the names of the States where juvenile courts and reforms houses have set up for the juvenile delinquents under the Juvenile Justice Act, which have been enforced recently;

(b) whether most of the State Governments have not taken any action in this regard; and

(c) if so, the steps being taken by Government in this direction?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) The Juvenile Courts have been set up by the Government of Rajasthan and Union Territory of Delhi. Under the Juvenile Justice Act, 1986, reform houses as such are not envisaged. However, the Act provides for setting up of Observation Homes, Juvenile Homes, Special

Homes and After-care institutions for receiving children under this act. The following States have intimated that they have set up such institutions, under the Act:-

1. Assam
2. Goa
3. Himachal Pradesh
4. Haryana
5. Rajasthan
6. Punjab
7. West Bengal
8. Delhi

(b) and (c). The State Governments are taking necessary action in regard to setting up to institutions under the Juvenile Justice Act, 1986. However, they have been advised to take immediate action for the upgradation/setting up of Juvenile Homes, Observation Homes, Special Homes and After-care institutions etc.

Under the Centrally Sponsored Scheme of Prevention and Control of Juvenile Social Maladjustment, the grant-in-aid have been given for upgradation/setting up of available infrastructure like observation Homes/Juvenile Homes etc. to the following States:

1986-87		(in lakhs)
1	2	3
1. Assam		5.00
2. Bihar		5.00
3. Madhya		

1	2	3
	Pradesh	7.00
4.	Orissa	6.00
5.	Rajasthan	5.00
6.	U.P.	7.00
7.	West Bengal	5.00
Total Rs.		40.00

1987-88 (Rs. in lakhs)
(upto Feb., 1988)

1.	Rajasthan	6.25
2.	Punjab	3.46
3.	Mizoram	21.90
4.	West Bengal	8.90
5.	Gujarat	7.90

Rs. 48.41

[English]

Assent to Bills by President

4366. SHRI SHARAD DIGHE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the particulars of the bills passed by the Parliament awaiting assent of the President as on 1 January, 1988;

(b) their respective dates of submission to the President; and

(c) the particulars of the Bills returned by the President for reconsideration since 1

January 1987?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R.BHARDWAJ): (a) The following four Bills passed by Parliament were awaiting assent of the President on 1st January, 1988, namely:-

(1) The Indian Post Office (Amendment) Bill, 1986.

(2) The Regional Rural Banks (Amendment) Bill, 1987.

(3) The Chandigarh (Delegation of Powers) Bill, 1987.

(4) The Commission of Sati (Prevention) Bill, 1987

(b) The respective dates of submission of the above Bills to the President are as follows:-

(1) 19th December, 1986.

(2) 30th December, 1987.

(3) 30th December, 1987.

(4) 30th December, 1987.

(c) None.

Condonation of Delay in Freedom Fighters Pension Cases

4367. SHRI K.S. RAO: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether cases of freedom fighters who could not apply within the prescribed time limit are considered by condoning the delay if their cases are recommended by the State Government;

(b) whether in cases of non-availability

of official prison record etc., certificates given by the co-prisoner prominent freedom fighters is considered sufficient documentary evidence for determining genuineness of freedom fighters; and

(c) the criteria for considering the cases for freedom fighters who could not apply in time due to reasons beyond their control and are also unable to produce official documentary evidence for non-availability of official record?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) Yes. Sir, in case the applications are accompanied by documentary evidence from official records to substantiate the claim of suffering and convincing reasons for delay in submitting the application;

(b) Yes. Sir, in case of applications received within the last date prescribed for receipt of applications.

(c) Wide publicity had been given in this regard since 1972 when the scheme was first taken up. Although under the liberalised Pension Scheme, which was taken up in 1980, the last date for receipt of applications was initially fixed as 31.7.1981, which was later extended upto 31.3.1982 it was provided that those who had applied in response to the 1972 Scheme need not apply again. The applicants, therefore, had more than adequate time in which to submit their applications in time. However, in order not to deprive genuine freedom fighters who may not have applied even by this date, it was decided that applications from freedom fighters will be entertained even if they apply after the last date provided they are accompanied by documentary evidence to prove their suffering together with sufficient reasons for delay in applying.

Re-Instatement of dismissed Employees in Kendriya Bhandar

4368. SHRI KAMLA PRASAD SINGH : Will the PRIME MINISTER be pleased to state:

(a) whether some of the employees of Kendriya Bhandar who were dismissed from the service in the past due to their corrupt practices and misconduct have come back to the organisation on the basis of ex-parte decisions by the courts.

(b) if so, the details in this regard;

(c) the action proposed to be taken against officers responsible for not following the cases in the courts; and

(d) the details of the cases pending in the court with steps taken to follow them up?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) to (c). The Labour Courts have set aside termination of services of following four persons, who were earlier dismissed or terminated by the management for misconduct/corrupt practices:-

1. Shri R.N.S. Rana
2. Shri V. K. Gupta
3. Shri D.P. Khanna
4. Shri Chander Mohan Bhasin

All these cases have been decided ex-parte because the advocate who was required to defend these cases could not appear before the Labour court on the dates fixed. None of the four employees in whose

cases *ex-parte* awards was passed has been re-instated in service. In all these cases, however, we have moved the applications U/O IX Rule 13 read with Section 151 CPC for setting aside *ex-parte* award along with stay application. The advocate has now regretted his inability to conduct cases before Lower Courts. Accordingly all the case files have been withdrawn from him.

(d) In all there are nine cases pending before the various courts and steps are being taken to make suitable arrangement. List of cases is given in the statement below. Steps are being taken to make suitable arrangement for conducting these cases. Every possible effort would be made to ensure that no case is decided *ex-parte* in future.

STATEMENT

List of cases pending before Lower/Labour Court

1.	Shri D.D. Khanna	V/S. Kendriya Bhandar
2.	Shri V. K. Gupta	V/S. Kendriya Bhandar
3.	Shri R.N.S. Rana	V/S. Kendriya Bhandar
4.	Shri Chander Mohan	V/S. Kendriya Bhandar
6.	Shri Rajinder Singh Bindra	V/S. Kendriya Bhandar
6.	Shri A.K.Tiwari	V/S. Kendriya Bhandar
7.	Shri S.P. Diwedi	V/S. Kendriya Bhandar
8.	Shri Suraj Bhan Sharma	V/S. Kendriya Bhandar
9.	Shri R.P. Kaushik	V/S. Kendriya Bhandar

[Translation]

Setting up of Electronic Industrial Estate

4369. SHRI HARISH RAWAT: Will the PRIME MINISTER be pleased to state:

(a) whether the work for setting up an Electronic Industrial Estate with the help of Upton in the hill areas of Uttar Pradesh has been started; and

(b) if so, the names of the places where such estates are proposed to be set up in this

area and when this scheme was approved?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir. UP Government has set up a UP Hill Electronics corporation Ltd. as a subsidiary of UP electronics Corporation Ltd. in June 1985 with an authorised capital of Rs. 3 crores.

(b) Electronics Estates are planned at

7 places in hill region. These will be set up at Pithoragarh, Almora, Bhimtal, Ramnagar, Muni-Ki-Reti, Kotdwar and Dehradun. Construction work in Electronics Estates at Muni-Ki-reti and Bhimtal is already in progress. Others will follow in due course. A TV factory is being planned at New Tehri for rehabilitation of displaced Tehri Dam people. Decisions on sites for industry can be made only on availability and decisions of co-promoters and their collaborators.

[English]

Rehabilitation of Ex-Servicemen from Kerala

4370. PROF. P.J.KURIEN: Will the Minister of DEFENCE be pleased to state:

(a) the total number of ex-servicemen yet to be rehabilitated in Kerala; and

(b) the special steps being taken to rehabilitate them quickly?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) The total number of ex-servicemen seeking employment as per the live registers of various Zila Sainik Boards in Kerala State was 29,305 as at the end of September 1987.

(b) The Central Government has provided reservation of 10% and 20% for Group C and Group D posts respectively. The reservation for Group C and Group D posts in Central Public Sector Undertakings including Nationalised Banks is 14 1/2% and 24 1/2% respectively. The reservation can be carried forward for one year in respect of unutilised reserved vacancies. Ministries/Departments with larger employment potential have been requested to undertake special drives for recruitment of ex-servicemen, including pooling of vacancies and giving advance intimation of the vacancies.

The need to provide employment to as many ex-servicemen as possible has been impressed on the State Government from time to time. The State Government has also been requested to provide for reservation in employment and set up a monitoring and review system. Some of the steps taken by the Kerala State Government for rehabilitation of ex-servicemen are:

- (i) They are given preference for jobs in Class III and Class IV posts in Government sponsored companies and in certain categories of Government posts. Age and educational qualification are relaxed for ex-servicemen;
- (ii) The state Government provides employment on priority to the wife/dependents of service personnel who die in harness, if the death is attributed to military service;
- (iii) To encourage Self-employment of ex-servicemen, reservation is available for seats in Industrial Training Instituted ans Centres, for allotment of Industrial plots and sheds and for mechanised—boats constructed in boat building yards of Fisheries Department for ex-servicemen Co-operatives. Preference is given in retail distributorship.

The Scheme of SEMFEX (Self Employment for Ex-servicemen) launched from 1.4.1987 in collaboration with the Industrial Development Bank of India (IDBI) and the Scheme of SEMFEX-II Bank for Agricultural and Rural Development (NABARD) by the Directorate General of Resettlement are available for ex-servicemen in Kerala State also to provide training and finance for self-employment ventures in non-farm and farm

sectors and for setting up small industries.

Grievances Cells in Ministries

4371. SHRI K. KUNJAMBU: Will the PRIME MINISTER be pleased to state:

(a) whether public grievances cells have been set up in various departments of Government;

(b) the total number of complaints received in each of these departments in 1987;

(c) the rate of disposal for these complaints; and

(d) the steps being taken to make the functioning of these cells more effective?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir. Various departments, particularly those having large public dealings, have set up public grievance cells.

(b) and (c). Based on the latest reports furnished by various Ministries/Depart-

ments, a statement giving details is given below:-

(d) Ministries/Departments have been urged, from time to time, to strengthen their machinery for redress of public grievances with a view to making them more responsive. Orders have also been issued to all Ministries/Departments on 1st March, 1988 regarding:

- (i) designation an officer in the rank not less than Deputy Secretary to be a full time Director of Grievances;
- (ii) vesting the Director of Grievances with the power to call for papers/files pertaining to grievances pending for more than three months and decide them with the approval of the Secretary/ Head of the Organisation; and
- (iii) The observance of a weekly meetingless day by the Central Ministries/Departments as well as their field offices in order to ensure that officers are available in their seats to attend to grievances.

STATEMENT

Statistics of Grievances Received and Disposed of by Various Ministries/Departments

Ministry /Department of		Period for which report received	Total number of Grievances received	Total number of Grievances disposed of
1	2	3	4	5
1.	Agriculture	April to December, 87	1,023	1,007
2.	Rural Development	April to December, 87	92	60
3.	Commerce	April to September, 87	4	
4.	Supply	July to September, 87	630	557
5.	Telecommunication	April to September, 87	1,25,922	1,09,082
6.	Defence	April to June, 87	430	211
7.	Environment	April to September, 87	91	44
8.	Economic Affairs	April to December, 1987	1,392	1,344
9.	Expenditure	April to December, 1987	-	-
10.	Revenue (CBEC)	July to December, 87	503	494
11.	Food	April to June, 87	89	84

1	2	3	4	5
12. Health		April to September, 87	56	45
18. Internal Security		April to December, 87	56	56
14. Official Language		April to June, 1987	-	-
15. Education		April to December, 87	1	1
16. Culture		April to September, 87	-	-
17. Women's Welfare		April to September, 87	-	-
18. Legal Affairs		July to September, 87	3	2
19. Justice		April to September, 87	-	-
20. Legislative		April to September, 87	-	-
21. Parliamentary Affairs		April to December, 87	2	2
22. Scientific & Industrial Research		April to June, 87	-	-
23. Railways		April to June, 87	21,366	15,048
24. Ocean Development		April to December, 87	-	-
25. Space		April to December, 87	32	28
26. Planning Commission		April to December, 87	-	-

1	2	3	4	5
27.	Home	April to December, 87	468	408
28.	Power	April to December, 87	1	1
29.	Non-conventional Energy Source	April to December, 87	-	-
30.	Surface Transport	April to September, 1987	9,470	9,051

Education Among Handicapped

4372. SHRI SRIBALLAV PANIGRAHI:
Will the Minister of WELFARE be pleased to state:

(a) whether Government are taking steps to promote education among handicapped;

(b) is so, the aids etc. being given to help the handicapped for setting education;

(c) the guidelines issued to the State Governments in this regard; and

(d) the steps taken by different State Governments in that direction?

THE DEPUTY MINISTER IN THE
MINISTRY OF WELFARE (SHRIMATI
SUMATI ORAON): (a) to (d). A statement in
given below:

STATEMENT

The education of the disabled children has been accorded due priority in the new National Policy on Education, 1986 and the Programme of Action in which there is a separate chapter on the education of the handicapped. The National Policy on Education has recommended that wherever feasible education of the children with locomotor or mild handicap should be common with that of others. For the severely disabled, the policy spells out the upgradation of the existing special schools being run by the State Government and voluntary organisations, and for the establishment of new special schools. Approximately there are about 1000 special school in different parts of the country funded either by the Central Government or State Governments or run by the voluntary organisations themselves.

The State Governments have their own schemes for helping handicapped students.

Besides this, the Government of India has undertaken several measures to promote the education of the handicapped. These include grant of scholarships to handicapped students for studies from class IX upwards, grants to special schools run by Voluntary Organisations for the education of the handicapped and establishment of special schools attached to the National Institutes for this purpose.

Scholarships and the grants for special schools cover a wide range of educational courses including general education, vocational education, medical, law and engineering course, etc. Certain type of aids and appliances are also given to handicapped students such as Braille slates, Braille pocket frames. Abacus and measuring tapes for high school students. For vocational training, Braille measuring devices like Micrometers, Calipers, etc. are also given. Braille writers and tape recorders for students for the Post-graduate classes are also given. Hearing aids are given to the Hearing disabled so that gradually the children can be integrated in the normal schools and for providing them special education. The scholarship and the aid/appliances are given to student depending on their family income. The scholarship is given if the family income of the student is Rs. 2,000/-pm. or less. The aid/appliances is given free of cost if the family income of the candidate is Rs. 1,200/-p.m. or less and at 50 per cent of the cost if the family income is between 1,201/- to Rs., 2,500/- p.m. The aid and appliances which do not cost less than Rs. 25/- and more than Rs 3000/-are covered under the Scheme.

In addition to the abovementioned schemes, a Centrally sponsored scheme of Integrated Education for disabled children is being operated through the State Governments/Union Territories for education of disabled children in normal schools with the help of special aids, equipment and re-

source teachers. Teaching materials, teaching aids, etc. are being developed through the National Institutes for equipping the resource rooms.

Complaints Against Regional Passport Office Hyderabad

4373. SHRI P. PENCHALLIAH: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have received any complaints against the regional passport office at Hyderabad for the delay in issue of passports; and

(b) if so, the details therefore and action taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) and (b). 23 complaints were received during 1987 in this Ministry and the Passport Office, Hyderabad, for delay in issue of passports by the latter. In 1987, the Passport Office, Hyderabad granted 64,630 new passports and 46,905 miscellaneous passport services. The delay in the complaint cases occurred because of delay in receipt of reports from local verifying authorities. Out of these 23 complaints, passports have since been issued in 19 cases. In the remaining four cases, passports have been refused under the provisions of the Passports Act 1967.

Rehabilitation work for Sea Bird Naval project, Karwar

4374. SHRI G. DEVARAYA NAIK: Will the Minister of DEFENCE be pleased to state:

(a) the total amount released to Government of Karnataka and the amount utilised for compensation and rehabilitation work in Sea Bird Naval Project at Karwar by

the Karnataka Government so far; and

(b) the steps taken to speed up the rehabilitation work?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) A sum of Rs. 15.87 crores towards payment of compensation for land acquisition and Rs. 7.049 crores for the rehabilitation of the affected families was released to Government of Karnataka in January, 1987. Utilisation of funds would be known to the State Government, which is the competent authority in the matter.

(b) A Rehabilitation Committee, under the chairmanship of State Minister of Agriculture, has been established by the Karnataka Government who have been requested for very urgent resolution.

Publication of names in IAS (Main) Results

4375. PROF. SAIF-UD-DIN SOZ: Will the PRIME MINISTER be pleased to state:

(a) whether the Union Public Service Commission has stopped publishing names of candidates in results for IAS (Main) examination; and

(b) if so, the reasons therefore?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) and (b). The Civil Services (Main) Examination comprises two parts, viz., (i) Written examination, candidates qualifying at which are called for interview, and (ii) interview for the personality test. While announcing the results of the written examination, only the roll numbers of the candidates are published, but both the names and

roll numbers of the candidates are published at the time of declaring the final results of the Examination after the interview.

Amount for 20-Point Programme in Bihar

4376. SHRI RAM BHAGAT PASWAN:
Will the Minister of PLANNING be pleased to state:

(a) the amount of funds allocated for implementation of 20-Point Programme to Bihar during 1983-84 to 1986-87, year-wise giving details of proposed heads of expenditure;

(b) the amounts spent by Bihar Government during 1983-84 to 1986-87, year-wise; and

(c) the procedure of supervision for such expenditure?

THE MINISTER OF STATE IN THE
MINISTRY OF PLANNING AND MINISTER

OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) The amount of funds allocated for implementation of 20-Point Programme to Bihar during 1983-84 to 1986-87 yearwise and pointwise are given in the statement below.

(b) The amount spent by Government of Bihar during 1983-84 to 1986-87 under 20-Point Programme are as follows:

Year	Expenditure (Rs. Lakhs)
1983-84	44850.00
1984-85	50112.46
1985-86	60127.00
1986-87	76636.00

(c) The expenditure under the 20-Point Programme is being supervised by the State Governments and through the mechanism of quarterly reviews, at the centre.

STATEMENT

Pointwise outlays under 20-Point Programme in the State of Bihar

		(Rs. Lakhs)			
Point No.	Item	1983-84	1984-85	1985-86	1986-87
1	2	3	4	5	6
1A	Irrigation	20900	22872	24600	31299
3A&3B	IRDP & NREP	5000	5163	6340	8071
4	Land Reforms	750	1000	1014	1300
5	Minimum Wage for Agr. Labourers	14	—	12	—
6	Rehabilitation of Bonded Labourers	40	30	2	20

1	2	3	4	5	6
7	SC/ST Welfare	680	770	1238	1270
8	Drinking Water	1375	1950	1771	2300
9	Rural Housing	247	200	250	250
10	Slum Improvement	70	70	100	120
11	Power	15550	16960	15800	23500
12	Forestry	575	650	700	900
14	Rural Health	830	890	834	1225
15	Nutrition	175	600	558	650
16A&16B	Education	2750	2850	2500	4000
17	Public Distribution System	—	—	—	277
18	Village and Small Scale Industries	870	986	1200	1585

Consumption of Liquor and Narcotics

(b) Yes, Sir.

4377. SHRI PARASRAMBHARDWAJ: Will the Minister of WELFARE be pleased to state:

(a) whether Government have noted the increased availability and consumption of liquor and narcotics substances across the country;

(b) if so, whether Government have invited the suggestions of voluntary organisations and social workers from different parts of the country or held any meeting in this regard; and

(c) if so, the details thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) Yes, Sir.

(c) The voluntary organisations and social workers are constantly involved in evolving and implementing programmes. Their suggestions are invited through formal meetings of sub groups of the Central Advisory Board on Social Defence and the Central Committee on Prohibition and Drug Abuse. The latter met last in February 1988.

Expenditure on Missile Projects

4378. SHRI YASHWANTRAO GADAKH PATIL: Will the Minister of DEFENCE be pleased to state:

(a) the details of the various missile projects undertaken by the Defence Research and Development Laboratory in the last two years; and

(b) the progress made and the expenditure thereon?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) The missile system projects undertaken in 1983 by the Defence Research & Development Laboratory are as under:-

(a) *PRITHVI* — (Surface-to-Surface) Tactical Battle Field Missile System.

(b) *TRISHUL* & *AKASH* — Surface-to-Air Missile Systems.

(c) *NAG* — Third Generation Anti Tank Missile System.

(b) '*PRITHVI*' AND '*TRISHUL*' missile systems have entered into flight trial phase. '*AKASH*' and '*NAG*' missile systems are in the advanced stage of development tests. It would not be in public interest to give details of expenditure.

On-going Projects in Electronics

4379. SHRI Y.S. MAHAJAN: Will the PRIME MINISTER be pleased to state:

(a) the number of on-going electronics

projects, when were these launched, the original completion schedule and the present completion schedule;

(b) the original cost of each project and the estimated cost when each project is finally completed;

(c) the reasons for delay in the case of each project; and

(d) the effect of these time and cost over runs?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) to (d). List of on-going schemes of the Department of Electronics along with the outlays approved for the Seventh Five-Year Plan is given in the statement below.

Most of these schemes are in the nature of programmes which are of continuing nature and were initiated during Sixth Five-Year Plan. Scheme Numbers 31, 32, 33, 34 and 35 were initiated during Seventh Five-Year Plan. Under these, programme sub-projects with specific targets and budget are initiated.

STATEMENT

List of on-Gong Projects of Deptt. of Electronics

Sl. No.	Name of the Scheme	(Rs. Crores) Seventh Plan (1985-90) Approved Outlay
1	2	3

A. CORPORATIONS

1.	Electronics Trade & Technology Development Corpn. (ET&T)	15.00
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1	2	3
2.	Semiconductor Complex Ltd. (SCL)	45.00
3.	CMC Ltd.	30.00
B.	SOCIETIES	
4.	Society for Applied Microwave Electronic Engineering & Research (SAMEER) (Bombay — Campus)	4.00
5.	Centre for Development of Telematics (C-DOT)	17.00
C.	DEPARTMENTAL PROJECTS	
6.	System Engineering & Consultancy in area of Radar & C 31 Systems	5.00
7.	Centre for Advanced Studies in Electronics	
8.	EMI/EMC Studies Programme (Now changed to SAMEER — Madras Campus)	4.00
9.	Reliability Engineering Studies Programme (Activity transferred under STQC Programme)	4.00
10.	Electronic Materials Development Programme (C-DOME)	5.00
11.	National Silicon Facility	15.00
12.	STQC Programme	30.00
13.	Special Manpower Development	
14.	Social Electronics & Regional Development	35.00
15.	Centre for Electronics Design Technology (CEDT)	
16.	Computer Literacy and Studies in School (Class Programme)	Not Finalised
17.	Headquarters (i) Construction of Deptt. of Electronics Building (ii) Secretariat Expenditure	9.00
18.	National Centre for Software Technology (NCST)	5.00
19.	National Informatics Centre (NIC)	62.00

1	2	3
20.	Computer Centres Programme	
21.	Software Development Programme	
	(i) Computer Aided Design (CAD)	10.00
	(ii) Computer Aided Management (CAM)	
22.	Development & Production of Computer Mainframe	40.00
23.	Fibre-Optics Systems Application Promotion Programme	5.00
24.	Generation of Special Manpower for Computers	10.00
25.	Industrial Electronics Promotion Programme	
	(i) Appropriate Automation Promotion Programme	
	(ii) Microprocessor Application Engineering Programme	18.00
	(iii) Mining Electronics Equipment Development	
26.	Centre for Flexible Manufacturing Technology	included in 27
27.	Power Sector Electronification	
	(i) National High Voltage Direct Current (HVDC) Programme	4.00
	(ii) Electronics Pilot Projects in Power Sector	
D.	S&T PROGRAMME	
28.	Technology Development Council (TDC) Projects	20.00
29.	National Radar Council (NRC) Projects	10.00
30.	National Micro-Electronics Council (NMC) Projects	8.00
E.	NEW SCHEMES	
31.	Electronics Components Development Fund	0.50
32.	Telematics Promotion & Development Programme	4.00
33.	Fifth Generation Computer System Design Programme (FGCS)	
	(i) UNDP Project (KBCS)	3.00
	(ii) Centre for Development of Advanced Computing Technology (C-DACT)	
34.	Advanced Technology Programme in Computer Networking	5.00
35.	Software Export Promotion Programme	1.00

Outcome of Talks Held with LTTE

4380. SHRI PRAKASH V. PATIL:
DR. B.L. SHAILESH:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether a 48-hour cease fire was held on 28 February, 1988 by Indian Peace Keeping Force to enable the Liberation Tigers of Tamil Eelam to hold talks;

(b) if so, the outcome of the talks held; and

(c) whether the Liberation Tigers of Tamil Eelam had in anyway responded to the amnesty offer of the Srilanka President and if so, the results thereof?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) No. Sir.

(b) Does not arise.

(c) No, Sir.

Growth Rate in Gross National Product

4381. SHRI LAKSHMAN MALLIK: Will the Minister of PLANNING be pleased to state:

(a) whether the growth rate in the Gross National Product is only 4.1 per cent in 1986-87 as against 4.5 per cent anticipated by the Ministry of Finance;

(b) whether there has been a decline in the growth of per capita real income during the three years 1984-85 to 1986-87 which is almost half the average annual increase of three per cent registered in the three years ending 1983-84; and

(c) if so, the steps Government have

taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND THE MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) Yes, Sir.

(b) Yes, Sir.

(c) The guiding principle of Indian planning has been growth, modernisation, self-reliance and social justice. Within this framework each Five Year Plan involved some directional changes to take into account new constraints and new possibilities. The current plan emphasises policies and programmes which will accelerate the growth in food production, increase employment opportunities and raise productivity. At the present stage of development, these objectives are central to the achievement of the long term growth, increasing per capita income and standard of living of the people.

Air-Violations by Pakistan

4382. SHRI PRAKASH CHANDRA: Will the Minister of DEFENCE be pleased to state:

(a) whether there have been air violations by Pakistan which have increased considerably during the last one year; and

(b) if so, the details thereof and action taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) and (b). There were some cases of violation of Indian air-space by Pakistani aircraft during the last one year. It would not be desirable to disclose details in this regard. Protests were lodged with Pakistan Government on every occasion.

Grant in Aid for tribal relief to Sikkim

4383. SHRIMATI D.K. BHANDARI: Will the Minister of WELFARE be pleased to state:

- (a) whether Government have released grants-in-aid for 1988-89 for various proposals for tribal relief received from Sikkim Government under first proviso to Article 275 (1) of the Constitution of India;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefore?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) No, Sir.

(b) and (c). Grants-in-aid under First Proviso, Art. 275 (1) of the Constitution for 1988-89 will be released during the course of the financial year 1988-89.

Staffing in Narcotics Unit of CBI

4384. SHRI SRI HARI RAO: Will the PRIME MINISTER be pleased to state:

- (a) whether adequate staff has been provided in the Narcotics Unit of CBI; and
- (b) if not, the reasons therefor and steps taken to provide the required staff in the unit?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir.

(b) Does not arise.

Tribal Research Training Institute

4385. SHRI SRIKANTHA DATTA: NARASIMHARAJA WADIYAR:

Will the Minister of WELFARE be pleased to state:

- (a) the number of Tribal Research Training Institutes set up by Government in different States;
- (b) whether there is a proposal to increase the number of such Institutes;
- (c) if so, the States where these new Institutes are proposed to be opened in 1988-89; and
- (d) the number of such new Institutes thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) Twelve States have set up Institutes working in the field of Tribal Research and training.

(b) to (d). Tribal Research Institutes are set up by the States under the Centrally sponsored scheme of "Research & Training" with 50% Central contribution. Opening of new Institutes are considered as and when proposals are received from State Governments.

[Translation]

Management Training Centres

4386. SHRI RAMASHRAY PRASAD SINGH: Will the PRIME MINISTER be pleased to state:

- (a) whether Government have formulated a scheme for opening Management Training Centres in all the States;
- (b) the number of the Management Training Centres proposed to be opened in Bihar under this scheme and the estimated cost involved therein; and

(c) if so, the time by which these centres will be opened and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) No, Sir.

(b) and (c). Do not arise in view of (a) above.

Take-over of Electronics Research Development centre, Trivandrum

4387. SHRI VAKKOM PURUSHOTHAMAN: Will the PRIME MINISTER be pleased to state:

(a) whether Union Government propose to take over the Electronics Research Development Centre at Trivandrum which at present is functioning under the State Government;

(b) if so, whether any final decision has been taken; and

(c) the response of the State Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) to (c). Government of Kerala and Department of Electronics have mutually agreed to the transfer of administrative control of Electronics Research and Development Centre to Department of Electronics.

Banjara Community

4388. SHRI RADHAKANTA DIGAL: Will the Minister of WELFARE be pleased to state:

(a) whether Government propose to introduce a legislation providing for treatment of 'Banjaras' all over the country as one community;

(b) if so, when such legislation is proposed to be introduced; and

(c) the steps taken in this direction?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) to (c). The declaration of Scheduled Castes and Scheduled Tribes in any State are governed by Articles 341 & 342 of the Constitution. Any changes in the list of Scheduled Castes and Scheduled Tribes in any State can be carried out only by a legislation by Parliament. All suggestions for amendment of the lists will be examined before a Bill is brought before Parliament.

Manufacturing of Space Qualified Electronic Filters

4389. SHRIMATI USHA CHOUDHARY: Will the PRIME MINISTER be pleased to state:

(a) whether India has developed the capability to manufacture space-qualified electronic filters, a critical component in satellite's communication equipment;

(b) if so, the details thereof; and

(c) when it will be produced regularly?

THE MINISTER OF STATE IN THE

MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONIC AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir.

(b) In addition to the conventional filters, recently light weight filters made out of INVAR alloy have been designed and qualified for use in the INSAT-II test satellites.

(c) These filters are in regular production using in-house facilities.

Expenditure on Sainik Schools

4390. **SHRI CHHITUBHAI GAMIT:**
SHRI UTTAMBHAI H. PATEL:

Will the Minister of DEFENCE be pleased to state the amount of money spent during the last three years on Sainik Schools?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): The total expenditure incurred by the 18 Sainik Schools in the country during the last three years is as under:—

1985-86 (actuals)	Rs. 6,19,66,116/-
1986-87 (actuals)	Rs. 7,16,81,502/-
1987-88 (budgeted)	Rs. 8,71,85,269/-
Total	Rs. 22,08,32,887/-

Of this, the amount of money spent by the Ministry of Defence during the last three years, by way of grant of scholarships to student of these schools, is Rs. 3.86 crores. The schools met the remaining expenditure from out of the scholarships granted by State Governments to the students, the fees paid by the students, ad-hoc grants-in-aid re-

ceived from State Governments and their own sources of income.

Amount spent on maintenance of Jama Masjid

4391. **SHRI SYED SHAHABUDDIN:** Will the Minister of WELFARE be pleased to state:

(a) the amount spent by the Delhi Wakf Board on the maintenance and up-keep of the Jama Masjid during the three years, year-wise; and

(b) the income arising from the Wakf properties attached to the Jama Masjid during the last three years, year-wise?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) According to the information furnished by the Delhi Administration, Delhi Wakf Board is incurring expenditure on properties attached to the Jama Masjid as well as for the payment of electricity bills of the Jama Masjid. The year-wise break-up of this expenditure for the last three years is as follows:—

Year	Amount
1984-85	Rs. 12,027.43P
1985-86	Rs. 47,506.74P
1986-87	Rs. 27,132.53P

(b) According to the information furnished by Delhi Administration the year-wise break-up of the income realised from the wakf properties attached to the Jama Masjid is as follows:—

1984-85	Rs. 52,257.82P
1985-86	Rs. 47,333.71P
1986-87	Rs. 50,025.96P

Purchase of tea for Armed Forces

4392. SHRIMATI N.P. JHANSI LAKSHMI: Will the Minister of DEFENCE be pleased to state:

(a) the details of the principal Government organisations which purchase tea for the Armed Forces;

(b) the total average annual requirement of tea by the Indian armed forces;

(c) the parties which supplied tea for army consumption in 1985-86, 1986-87 and 1987-88 along with the quantity supplied and its price; and

(d) the criteria for selection of these parties for supply of tea?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) Prior to 1983 tea

was purchased by the Army Purchase Organisation (APO) which functioned under the Ministry of Agriculture, Department of Food. From 1983-84, the function of tea procurement was transferred to the Canteen Stores Department (CSD), functioning under the Ministry of Defence. The APO has since commenced functioning under the Ministry of Defence, and the task of procuring tea has been again entrusted to it, from the year 1988-89.

(b) The average annual requirement of tea for the Armed Forces has been about 3500 tonnes. The actual quantity has varied in the last three years between 3100 tonnes and 3800 tonnes.

(c) A statement is given below.

(d) Tea is being procured from Public Sector Undertakings & Companies owned by Government Undertakings and the Co-operative Sector.

STATEMENT

Parties which supplied tea for army consumption in 1985-86, 1986-87 and 1987-88

Sl. No.	Year	Name of supplying Organisation	Quantity in MT	Rate per kg Rs.
1	2	3	4	5
1.	1985-86	Tea Trading Corporation of India (TTCI)	2500	27/-
		The Nilgiris Small Tea Growers' Service Industrial Cooperative Society Ltd (INCOSERVE)	200	24/-
		Assam State Cooperative Marketing & Consumers Federation Limited (STATFED)	700	27/-
			400	26.50

1	2	3	4	5
2.	1986-87	TTCI	1400	24/-
		Balmer Lawrie & Co. Ltd	1000	24/-
		INCOSERVE	300	21/-
		STATFED	400	24/-
3.	1987-88	TTCI	800	25.35
		INCOSERVE	1100	22/-
		Balmer Lawrie & Co. Ltd	1000	25.30
		STATFED	300	25/-

Abandoned Wireless Towers at Balasore

4393. SHRI CHINTAMANI JENA: Will the Minister of DEFENCE be pleased to state:

(a) whether four towers were erected in different places at Balasore in Orissa for wireless operation, proof, establishment experiment and ITR and have been abandoned; and

(b) if so, whether Government propose to hand over the possession of those towers to Information and Broadcasting Ministry for use as television relay centres?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) Two pairs of towers were erected at two different locations in the Proof & Experimental Establishment (P & EE) Range at Chandipur near Balasore for test and evaluation of fuzes. Out of these four towers, two are very old and are not in use now.

(b) DRDO has offered to Doordarshan

for consideration, transmitters along with antennae and antenna masts and the two old towers' material, for establishing TV relay stations at Balasore and Balliapal.

Facilities to Ex-INA Personnel and other Freedom Fighters

4394. PROF. NARAIN CHAND PARASHAR:
PROF. PARAG CHALIHA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) what are the facilities allowed to the Freedom Fighters including Ex-INA Personnel, in respect of (i) Travelling (ii) Medical Care (iii) Education and Employment of the children/wards in different states alongwith those provided by Central Government;

(b) whether any increase in their pensions would be made in deserving cases in view of the rise in prices; and

(c) if so, the likely date by which it would be done?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) Freedom Fighters including ex-INA personnel in receipt of Central pension are besides monthly pension entitled to railway card pass valid for self and spouse/one companion for a period of one year from the date of issue and free medical facilities in Central Government hospitals at par with group 'A' officers of Central Government etc. Recently a scheme for giving free voyage facilities to Andaman & Nicobar Islands has been introduced for freedom fighters in receipt of Central Pension. In addition, various facilities are extended to freedom fighters including Ex. INA personnel by respective State Governments.

(b) and (c). The amount of Central pension was enhanced from Rs. 300/- p.m. to Rs. 500 p.m. w.e.f. 1.6.85 and the widow pension was enhanced from Rs. 200 p.m. to Rs. 500/- p.m. At the same time the pension of Ex-Andamans Political Sufferers was enhanced from Rs. 500/- p.m. to Rs. 800/- p.m.

Orientation courses for IFS Probationers

4395. PROF. NARAIN CHAND PARASHAR: Will the Minister of EXTERNAL AFFAIRS be pleased to refer to the reply given on 30 April, 1981 to the Unstarred Question No. 9377 regarding Orientation Courses for Diplomats and state:

(a) whether the programme of Orientation Courses for IFS Probationers to acquaint them with various aspects of Indian Culture and allied subjects has since been continued;

(b) if so, a brief outline of the important Orientation Course organised so far, the response from the participants as also a brief outline of the programmes for the next three years;

(c) whether any addition has been made to the list of thirty-one books mentioned in the Annexure in answer to part (c) of the question referred to above;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) Since 1986 the Foreign Service Training Institute has been organising every year through the ICCR an orientation course in Indian culture for IFS Probationers.

(b) A brief outline of the last Course in August 1987 is as under:

Briefing on dances of India, arts of India, National Museum, modern Indian paintings, handicrafts, Sanskrit literature, art of puppetry, ancient and modern Indian drama, Islamic influence on Indian art, contemporary Indian literature, cultural diplomacy, philosophical thought, etc. Participants found the above course useful. Courses on similar lines with suitable modifications, where necessary, are planned for subsequent years.

(c) and (d). The list of books for recommended reading is constantly reviewed and updated. In 1987 some additional reading material on Indian art, literature, dance and music was recommended. Audio cassettes were also provided.

(e) Does not arise.

Programme undertaken by National Institute of Oceanography

4396. SHRI SHANTARAM NAIK: Will the PRIME MINISTER be pleased to state:

(a) the programmes proposed to be undertaken by the National Institute of Oceanography in Goa during the course of the Seventh Five Year Plan; and

(b) the details with respect to each of the programme and amount proposed to be spent?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) National Institute of Oceanography (NIO), Goa has undertaken a programme on oceanography of Exclusive Economic Zone of Goa.

(b) The projects in progress under the above programme include:

1. Coastal Geomorphology of Goa Coast
2. Coastal vegetation of Goa coast
3. Coastal process of Goa
4. Environmental monitoring and Ecology of estuaries and coastal waters of Goa.
5. Survey of environmental pollutants in the seas of Goa
6. Environmental impact assessment on mangrove ecosystem of Goa
7. Tidal circulation model for Mandovi-Zuari estuarine system of Goa
8. Effect of mining rejects on the ecology and productivity of Goa

9. Mangrove afforestation of Chorao Island

10. Resources potential of juvenile marine prawns in the estuaries of Goa

11. An assessment of the occurrence of marine organisms with Lunar cycle off Goa Coast (project completed), and

12. Demonstration scale production of Green Coast (project completed), and Oysters in Goa waters.

The approximate cost of these programmes for the 7th plan is estimated to be Rs 100 lakhs. Project-wise costs are not presently available.

State Bills awaiting President's Assent

4397. SHRI SYED SHAHABUDDIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the particulars of the bills passed by the State Legislature, State-wise, which are awaiting President's assent as on 31 December, 1987 and

(b) the particulars of the State Bills submitted to the President for his assent but returned for reconsideration since 1 January, 1987?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): (a) A Statement indicating the particulars of Bills, as passed by the State Legislatures, received and awaiting President's assent as on 31-12-1987 is laid on the Table of the House. [Placed in Library. See No. LT—5806/88]

(b) Since 1-1-1987, one Bill viz. the West Bengal Shops and Establishments

(Amendment) Bill, 1984 has been returned with a message from the President for its reconsideration by the State Legislature.

Atrocities against Scheduled Castes

4398. SHRI SYED SHAHABUDDIN: Will the Minister of WELFARE be pleased to state:

(a) the number of incidents of atrocities against Scheduled Castes;

(b) the number of persons killed and injured;

(c) the number of persons arrested;

(d) the number of persons charge-

sheeted and prosecuted; and

(e) the number of cases pending as on 1 January, 1987 and 1 January, 1988?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) and (b). The total number of atrocities against Scheduled Castes, the number of persons killed and injured during the last three years is given in the Statement-I below.

(c) The information is not readily available.

(d) and (e). The information to the extent available is given in the Statement-II below.

STATEMENT

Total number of atrocities against Scheduled Castes, number of persons killed and injured during the year 1985, 1986 and 1987 as reported by the State Governments/Union Territory Administrations

S.No.	Year	Total number of atrocities	No. of persons	
			killed	injured
1.	1985	5,373	502	1367
2.	1986	5,403	563	1406
3.	1987*	3,196	481	1471

Statement showing the Number of persons charge-sheeted, prosecuted and the number of cases pending in court as on 1.1.1987 as reported by the State Governments/ Union Territory Administrations:—

1. No. of persons charge-sheeted	7,772
2. No. of persons prosecuted	5,293
3. No. of cases pending with Court	36,865

CBI Raids on Officials

4399. SHRI SYED SHAHABUDDIN: Will the PRIME MINISTER be pleased to state:

(a) the number of officials whose residences/offices were searched during 1986 and 1987 by the C.B.I., year-wise;

(b) the number of officials included in (a) above who were prosecuted, year-wise;

(c) the number of officials included in (a)

above whose cases are still under investigation, year-wise; and

(d) the number of officials included in (a), yearwise who have been found guilty and/or whose services had been terminated?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) to (d). The information is being collected and will be laid on the Table of the House.

[*Translation*]

Projects exported by Indian National Research Development Corporation

4400. SHRI RAJ KUMAR RAI: Will the PRIME MINISTER be pleased to state:

(a) the details of the projects being exported by the Indian National Research Development Corporation;

(b) the amount of foreign exchange being earned from the export of these projects; and

(c) the names of the countries to which the projects are proposed to be exported by the Corporation in future?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) and (b). NRDC had secured in January 1986 two contracts worth Rs. 5.4 lakhs in Foreign Exchange for

export of technology and plant and machinery to Indonesia. These were for production of:

(i) Water Filter Candles (for purifying drinking water) and

(ii) Chlorine Tablets.

Then in December 1987 the Corporation secured two more technology export contracts from Indonesia for:

(i) Dehydrated Green Pepper

(ii) Tricentanol (an Agricultural Growth Promotor)

The amount of foreign exchange to be earned from these two additional projects would be Rs. 26 lakhs in foreign Exchange.

(c) The Corporation proposes to export projects in future to: Abu Dhabi, Indonesia, Kenya, Senegal, Peru, British Guyana, Sudan, Ghana, Nepal, Philippines, Brazil & Bangladesh.

[*English*]

Growth Rate of National Income

4401. SHRI S.G. GHOLAP: Will the Minister of PLANNING be pleased to state the growth rate of National Income in India in 1971 and 1981?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): The growth rates of National Income in India computed as percentage increase over previous year at constant (1970-71) prices in 1971-72 and 1981-82 were 1.4 and 5.3 respectively.

Alternative employment to civilian store keepers of army ordnance corps

4402. SHRI AJAY MUSHRAN: Will the Minister of DEFENCE be pleased to state the steps taken to provide alternative employment to civilian Store Keepers of Army Ordnance Corps appointed against combatant vacancies and rendered surplus thereafter?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): Formal "Army Orders" exist for absorption of civilians employed against combatant vacancies. Pursuant thereto, personnel sponsored by Employment Exchanges and appointed as Storekeepers against combatant vacancies have been given alternative appointments by the Army.

Proposal by Electronic Component Industries Association

4403. SHRI SURESH KURUP: Will the PRIME MINISTER be pleased to state:

(a) whether the Electronic Component Industries Association has put forward some proposal to Government;

(b) if so, the details of the said proposal; and

(c) the decision taken thereon, if any?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) and (b). Proposals are received from time to time from Electronic Component Industries Association (ELCINA) in respect of various aspects related with policy and procedures.

Recently, they have given their detailed reaction to the budget announcements concerning electronic components industry. These include (i) simplifications of excise procedures by accepting computerised records in the prescribed format for excise purpose, (ii) postponement of excise levy on components by a minimum period of four months to give sufficient time for procedural matters to be sorted out, (iii) permission to issue excise Gate Passes to distributors and dealers to avoid cost of components going up for the small scale and tiny sector, (iv) withdrawal of excise exemption on metalised polypropylene and polyester films, (v) concessional duty to be given to colour picture tube parts and (vi) duty of 30% to be levied on capital equipment required for balancing and modernisation of component industry.

(c) The proposals are being examined.

Legislation to make obligatory on Political Parties to hold Elections

4404. PROF. K.V. THOMAS: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are considering to bring a legislation making it obligatory for all political parties to hold periodic elections in the party; and

(b) whether the legislation will also provide for compulsory audit of the accounts of the political parties?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) No such proposal is under the consideration of the Government at present.

(b) Does not arise.

**Reported secret talks between LTTE
and Sri Lankan Ministers**

4405. SHRI CHINTAMANI JENA:
SHRI MOHANBHAI PATEL:
SHRI INDRAJIT GUPTA:
SHRI SHARAD DIGHE:
SHRI V. TULSIRAM:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government of India are aware of the reported talks going on between LTTE and certain members of the Sri Lankan Government; and

(b) if so, the reaction of Government of India in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) and (b). Government has received reports on secret talks between the LTTE and some members of the Sri Lankan Government. According to reports, some of the proposals discussed were for the LTTE to vacate the Eastern Province in return for which the LTTE would be allowed to keep its arms and assume control over the administration in the Jaffna peninsula, without having to face elections. It was reported that it was also envisaged, in such an eventuality, that both the Sri Lankan Government and the LTTE would call for the withdrawal of the IPKF from Sri Lanka.

The Government of Sri Lanka have, however, assure the Government of India that it is committed to the full implementation of the Indo-Sri Lanka Agreement. Any ad-hoc, unilateral or self-serving arrangements against the spirit of the Agreement will be rejected by both Government.

Musical Instruments for Mauritius

4406. SHRI RAJ KUMAR RAI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Indian Council for Cultural Relations has presented musical instruments to Mauritius;

(b) if so, the details of the instruments and cost thereof;

(c) whether the prescribed procedure was followed to purchase the instruments;

(d) if not, the reasons thereof;

(e) whether a firm which was black listed earlier has been awarded the contract for supplying musical instruments costing Rs 32 lakhs; and

(f) if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) The Government of India had agreed in 1987 to supply 1000 sets of musical instruments to Mauritius on 50% cost sharing basis with the Government of Mauritius. The ICCR was asked to procure the same.

(b) The details of instruments and cost thereof are given in the Statement below.

(c) Yes, Sir.

(d) Does not arise.

(e) and (f). The tender was issued to reputed suppliers with whom ICCR has had past dealings and who are not known to have been black-listed. The contract was awarded to the most competitive bidder amongst them.

STATEMENT*Details of musical instruments supplied to Mauritius during 1987-88*

S. No.	Name of Instruments	Qty. supplied	Value
1.	Harmoniums	705 Pcs	
2	Table Pairs (With rings/covers/Hamer)	862 Pcs	
3.	Dholak	742 Pcs	
4.	Gungroos (Dancing Bells)	1000 sets	
5	Jhals (Manjeera) Set of five pairs	1000 sets	
6	Dapli	1000 sets	
7.	Chimta	1000 sets	Rs 27,80,680.33

Staffing in Indian Council for Cultural Relations

4407 SHRI RAJ KUMAR RAI Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the category-wise existing sanctioned posts with their grades and the personnel working against each post in the Indian Council for Cultural Relations,

(b) the authority who has sanctioned these posts,

(c) whether it is a fact that some officials who are not on the rolls of the Council are exercising financial and administrative powers in ICCR, and

(d) if so, the reasons therefor?

THE MINISTER OF STATE IN THE

MINISTRY OF EXTERNAL AFFAIRS (SHRI K NATWARSINGH) (a) A statement showing the categorywise existing sanctioned posts with their grades and the personnel working against each post is given below

(b) Governing Body, President of ICCR and Director General of ICCR

(c) and (d) The Ministry of External Affairs deputed officers at the level of Under Secretary and above to work in the Council keeping in view the need for personnel having experience of dealing with foreign countries. This practice has been prevailing since 1970 when the Governing Body of the council had sought officers of the Ministry of External Affairs on grounds of their experience of diplomatic work who were to be posted to ICCR while being continued to be paid by the Ministry of External Affairs. Such officers have been exercising administrative and financial powers as delegated to them by Governing Body from time to time.

STATEMENT

<i>Grade</i>	<i>Category of Post</i>	<i>No. of Posts Sanctioned</i>	<i>Personnel working</i>
1	2	3	4
1.	Director General	1	1. Shri Lalit Mansingh
II.	(a) Programme Directors (Senior Scale)	2	Vacant
	(b) 1. Programme Directors	7	1. Shri B. Mukherjee 2. Shri Ashok Srinivasan 3. Shri Y.P. Sawhney 4. Smt. Usha Malik 5. Shri S.K. Sarkar 6. Shri K.S. Mathur 7. Shri Vigar Ahmed 8. Shri M.J. Das (Adjusted against vacant post in higher grade)
	2. Regional Directors	6	1. Shri J.W. Lobo 2. Shri Tariq Sultan 3. Smt. Meena Jacob 4. Shri R.K. Saxena 5. Shri S.P. Kahol 6. Shri K. Vasudevan
(c)	1. Programme Officers	12	1. Km. Sunila Khanna 2. Shri G.C. Loomba 3. Shri J.A. Khan

1	2	3	4
			4. Shri Balbir Singh
			5. Smt. Urmil Rawal
			6. Shri J.S. Das
			7. Smt. Kiran Pant
			8. Shri S.P. Sharma
			9. Shri H.L. Wadhwa
			10. Shri K.V. Ramanathan
	2. O.S.D. (Africa)	1	1. Dr. A.R. Basu
	3. Librarian	1	1. Shri S.G.A. Nagvi
	4. Exhibition Officer	2	1. Shri R.P.S. Dhir
	5. P.S. to D.G.	1	1. Shri M.L. Bajaj
	6. Accounts Officer	1	1. Shri G.S. Chauhan
	7. Assistant Editors (Pub.)	2	1. Shri O.P. Madan
			2. Smt. S.P. Menon
III.	(a) 1. Asstt. Programme Officer	35	1. K.L. Gulati
			2. Shri V. Vasudevan
			3. Shri Y.V. Rama Rao
			4. Shri B.M. Garg
			5. Shri Sunil Mehndiratta
			6. Smt. M. Varghese
			7. Smt. Ambika Gupta
			8. Smt. Deepali Pal
			9. Smt. Sushila Sharma

1	2	3	4
			10. Shri P.K. Sarkar
			11. Smt. Promila Chopra
			12. Shri R.S. Sharma
			13. Smt. Sudesh Monga
			14. Smt. Anis Zaman
			15. Shri A.K. Gupta
			16. Smt. Anita Arora
			17. Shri A.K. Bahl
			18. Shri T.J. Geevarghese
			19. Shri D.C. Pawar
			20. Smt. V. Alivelu
			21. Shri P.K. Talwar
			22. Smt. Naresh Kumari
			23. Smt. leslie Jacob
			24. Shri Y.L. Rao
			25. Shri Rajesh Kapoor
			26. Smt. Anuja Chakraborty
			27. Miss Kavita Jain
			28. Shri V.R. Singh
			29. Shri K. Arjuna
			30. Shri T.D'Souza
			31. Shri Anand Upadhyay
			32. Shri Inderjeet Basu

1	2	3	4
			33. Shri R.K. Srivastav
			34. Shri N. Rajappa
			35. Shri S. Nagarajan
	2. Asstt. Private Secretary	1	1. Shri M.M. Sharma
	3. Junior Librarian	2	1. Miss Pakiza Sultan
			2. Shri Munir Ahmed
	4. Presentation Officer	1	1. Smt. Usha Nagvi
	5. Publication Asstt.	5	1. Smt. Vani Subrahmanyam
			2. Shri A.N. Mishra
			3. Shri Vinod Kumar
			4. Smt. Savitri Das Sinha
	6. Staff Artist	1	(Vacant)
	7. Senior Technical Assistant	1	1. Shri R.S. Bishat
	8. Asstt. Editor (Arabic)	1	(Vacant)
	9. Maintenance Officer	1	(Vacant)
(b)	Assistant	9	1. Shri Kewal Krishan
			2. Shri Jaipal Singh
			3. Smt. Neelam Chopra
			4. Shri Pallabh Roy
			5. Smt. Manju Berry
			6. Shri K.V.R. Panikar
			7. Shri Algotar

1	2	3	4
			8. Shri S.D. Goswami
	2. Senior Stenographer	13	1. Shri A.H. Usmani
			2. Smt. Sarla Unnikrishnan
			3. Shri Gayan Chand
			4. Smt. Sulkshana
			5. Shri Ranjit Arora
			6. Shri Ramesh Narula
			7. Shri P. Banerjee
			8. Shri A.K. Banerjee
III.	(c) 1. Library Assistant	4	1. Smt. kehkashan
			2. Shri Sunil Bhalla
IV.	1. Junior Asstt.	8	1. Shri J.C. Joshi
			2. Shri R. Chatterjee
			3. Shri T.G. Rao
			4. Smt. Sarabjeet Pundir
			5. Shri A.K. Chatterjee
			6. Shri Krishan Lal
			7. Smt Beena Chouhan
			8. Shri Mujaffar Hussain
			9. Shri Sunil Ekka
			10. Shri Makwana
			11. Shri B. Sharma (Adjusted against higher posts left vacant)

1	2	3	4
	2. Cashier	1	1. Shri M.R. Malhotra
	3. Catetaker	1	2. Shri Sri Ram
	4. Junior Stenographer	13	1. Smt. R. Gomti
			2. Shri Mohd. Khalid
			3. Shri Man Singh (Hindi)
			4. Shri Pankaj Vohra
			5. Shri Mohinder Kumar
			6. Shri Keshav Gupta
			7. Shri Prathiban
			8. Miss Lobo
			9. Miss Nalini Jain
			10. Shri Varadarajan
			11. Smt. Tulasi Bai
	5. Ref. and Aircondition Mechanic	1	1. Shri Bhagat Ram
	6. Receptionist	1	1. Smt. Vibha Kapoor
	7. Telex Operator	1	1. Shri Mohd. Umar
(a)	1. Clerk	28	1. Smt. Gurdeep Bakshi
			2. Shri R.S. Pundir
			3. Shri R.P. Teewari
			4. Shri Satbeer Singh
			5. Smt. Paramjit Kaur
			6. Shri Sardar Singh Rawat
			7. Shri Tajul Hassan

1	2	3	4
		8. Shri Tejbeer Singh	
		9. Shri Suresh Kr. Dogra	
		10. Shri Raghubir Singh	
		11. Shri Suresh Kr. Syal	
		12. Shri Gopi Chand	
		13. Shri Dinesh Kumar	
		14. Shri Balbir Singh Negi	
		15. Shri K V G Panikar	
		16. Km Anju Kapoor	
		17. Km Snehlata Charan	
		18. Shri Brij Kumar	
		19. Shri Athar Hussain	
		20. Shri Naresh Gulati	
		21. Mrs Thankamoney	
		22. Mrs R Prithani	
		23. Shri S Bhattacharya	
		24. Shri P Ghosh	
		25. Shri K Prasad	
		26. Shri R & K Roy	
		27. Han Haran	
		28. Shri Bhaskaran	
2. Arabic Typist	1	1	Mohd. Matloob
3. Electrician cum plumber	1	1	Shri Ashok Kumar Verma

1	2	3	4
	4. Staff Car Driver	9	1. Mohd. Anwar 2. Shri Darban Singh 3. Shri K.L. Sondhi 4. Shri Marcus 5. Shri Fazlu 6. Shri V.L. Morey 7. Shri Jagdev Yadav 8. Shri Rajpal 9. Shri Susheelan
	5. Telephone Operator	1	1. Mrs Elizabeth Mathew
	(b) 1. Despatch Rider	3	1. Shri John Mubarak 2. Shri Mohd. Yamin 3. Shri Daya Ram
	2. Van Driver	1	1. Shri Johnson
	3. Sr. Gestetner Operator	1	1. Shri Mohd Ibrahim
	4. Library Attendent	1	1. Shri Pradeep Kumar
VI.	(a) Packer	1	1. Shri Ram Dayal
	(b) 1. Jamadar	1	1. Shri Yasin Ali
	2. Daftary	1	1. Shri Sunder Singh Rawat
	3. Store Attendent	1	1. Shri Govind Singh Bhatt
	4. Head Mali	1	1. Shri Antu Ram
	(c) 1. Peon	14	1. Shri Sunder Singh Dhanola

1	2	3	4
			2. Smt. Shama Devi
			3. Shri Satya Singh
			4. Smt. Nibha Banerjee
			5. Shri Samat Singh
			6. Shri Randhir Singh
			7. Shri Satya Singh Bhatt
			8. Shri R.S. Bist
			9. Shri Maniappan
			10. Shri Surya Raju
			11. Shri B. Rout
			12. Shri Kamble
			13. Shri R. Sunder
			14. Shri Jawahar Lal
			15. Shri G. Keshavalu (adjusted against (vacant post in other equivalent grade)
	2. Chowkidar	10	1. Shri Jai Beer Singh
			2. Shri D.N. Mishra
			3. Shri Piar Chand
			4. Shri Prem Singh
			5. Shri Prem Pal
			6. Shri R. Narayan
			7. Shri Bhaskar
			8. Shri A.R. Nair

1	2	3	4
	3. Farash	3	1. Shri Hasan Mehandi 2. Shri Sant Lal 3. Shri Virender
	4. Mali	3	1. Shri Hira Lal 2. Shri Tara Chand 3. Shri Ezu Lamalai
	5. Safai Karamchari	7	1. Shri Chamna 2. Shri Ramji Lal 3. Smt. Sharbati 4. Shri Rai Singh 5. Smt. Vaduvambal

Allotment for minimum needs programme

4408. DR. V. VENKATESH: Will the Minister of PLANNING be pleased to state:

(a) the quantum of allotment made in 1987-88 for minimum needs programmes; and

(b) whether the programme has been a success in Karnataka?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) The quantum of allotment made during 1987-88 for the Minimum Needs Programme in the country has been to the tune of Rs. 2845.43 crores.

(b) No special problems have been

reported to the Planning Commission about the implementation of the programme in Karnataka.

Programmes of ICCR

4409. PROF. NARAIN CHAND PARASHAR: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Indian Council for Cultural Relations has drawn up any programme for cultural events/seminars/visits from eminent cultural personnels from India to various countries and vice-versa for the next three years;

(b) if so, the details of the programmes for each year including the current financial year;

(c) whether care has been taken to see that all the major cultural traditions and

streams of the country as also the various regions are represented in such programmes; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) The Indian Council for Cultural Relations draws up a programme for Cultural events/seminars/visits from eminent cultural personalities for India to various countries abroad and vice-versa, for only one year at a time. This annual Plan of action is submitted to the Governing Body of the Council as well as to its General Assembly for approval.

(b) The Plan of Action relating to programmes for the year 1988-89 has been prepared and is laid on The Table of the House [Placed in Library, See No. LT 5807/88]

(c) and (d) Due care is taken to see that all the major cultural traditions and streams of the country as well as various regions are represented in such a programmes, subject to professional competence. The process of selection is done through various Advisory Committees in the fields of dance, music, theatre, publications etc. The recommendations of these Committees are submitted to the Standing Committee of the ICCR headed by the Vice-President of India President, ICCR for final selection.

Suspension of Employees for Committing Irregularities in UPSC Examination

4410. SHRI JITENDRA PRASADA: Will the PRIME MINISTER pleased to state:

(a) whether some officials and employees of the Union Public Service Commission have been suspended for committing irregularities in the examinations conducted by the

UPSC and for tempering with the answer sheets;

(b) if so, the details thereof; and

(c) the steps taken to check recurrence of incidents in future?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) and (b). Yes, Sir: seven officials of the Union Public Service Commission have been placed under suspension with effect from different dates in September, 1986, for suspected criminal offences on their part.

(c). Steps have been taken to tighten security in the Confidential Branch of the Union Public Service Commission by segregating various sections handling confidential materials. The area has been cordoned off and only one common entry/exit has been provided. Official coming in or going out of the Confidential Branch are checked by responsible officers. Procedural changes have also been made to maintain confidentiality of answer books/answer sheets and other relevant matters.

[Translation]

4411. SHRI BALWANT SINGH RAMMOOWALIA: Will the Minister of WELFARE be pleased to state:

(a) whether Government are considering to set up Tribal Councils in the areas predominantly inhabited by Tribal in Orissa and West Bengal.

(b) if so, the details in this regard;

(c) whether Government propose to set up such councils for development of other areas of the country predominantly inhabited

by Tribals and

(d) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) and (b) Tribes Advisory Councils have already been constituted in Orissa and West Bengal as per the provisions of fifth Schedule to the Constitution. The Chief Minister, Orissa and the Minister in-charge of Tribal Development, West Bengal are the Chairman of the Councils in their respective States.

(c) Tribes Advisory Councils have been set up in all the fifth Schedule Area States.

(d) Does not arise.

[English]

White Paper on Harijan Upliftment

4412. SHRI BALWANT SINGH RAMMOOWALIA: Will the Minister of WELFARE be pleased to state:

(a) whether Government propose to bring out a white paper with regard to various facilities given to Harijans during the last 40 years in the name of Harijan upliftment;

(b) if so, when; and

(c) if not, the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) to (c). The Government's commitment to the cause of the welfare of Scheduled Castes is very clearly established. The various schemes which are meant either exclusively for Scheduled Castes or contain a definite provision for the welfare and development of Scheduled Castes are announced from time to time. These schemes are also reviewed

and modified wherever necessary so as to optimise their benefit for the scheduled castes. It is hence not feasible nor does it seem necessary to bring out a White Paper which is generally done in respect of past event and for clarifying Government's approach to certain issues.

[Translation]

Incentives for Development of Backward Areas

4413. SHRI BALWANT SINGH RAMMOOWALIA: Will the Minister of PLANNING be pleased to state:

(a) whether Government have taken a decision to postpone the incentives being given for the development of backward areas for the next six months;

(b) if so, the facts in this regard; and

(c) the reasons for taking such a decision?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI B.S. ENGTI) : (a) No, Sir.

(b) and (c). Do not arise.

Inclusion of Maharashtra in Technology Mission

4414. SHRI BALASAHEB VIKHE PATIL: Will the PRIME MINISTER be pleased to state:

(a) whether the Maharashtra State has been included in the Technology Mission from the current year i.e. 1987-88;

(b) whether Maharashtra Government

had submitted to Union Government in February, 1988 any project report relating to the work of identification of problem villages in respect of excess fluoride and iron; and

(c) if so the broad features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN) : (a) Yes, Sir.

(b) and (c). A Project Report has been received from Maharashtra Government regarding excess fluoride and iron content in the water samples tested from different villages in Latur and Satara Districts.

In Satara District fluoride in excess of the permissible Limit has been observed in 11 villages and iron in excess of the permissible limit in 50 villages; the corresponding figures for Latur District are 13 villages and 7 villages respectively.

Remedial steps have been initiated by the State Government in a number of affected villages. An awareness camp on "Prevention and Control of Fluorosis " was also organised in Maharashtra in February, 1988.

Indo-German Joint research on River Drained Sediments

4415. SHRI BALASAHEB VIKHE PATIL:
SHRI SANAT KUMAR MANDAL:

Will the PRIME MINISTER be pleased to state:

(a) whether Indo-German joint research project is studying the river-drained sedi-

ments in the Arabian Sea and the Bay of Bengal;

(b) if so, whether this has provided any in-sight into the monsoon rainfall fluctuation over the Indian sub-continent; and

(c) if, so, the Salient features thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K. R. NARAYANAN) : (a) Studies are being carried out only in the Arabian Sea under the project.

(b) and (c) The results are expected to provide information on the effects of monsoon on the present day chemical, biological and geological processes specific to the region and will also contribute significantly to our understanding of modern and ancient environmental processes.

Amendment of SC/ST Lists

4416. SHRI SOMNATH RATH: Will the Minister of Welfare be pleased to state:

(a) whether Orissa Government has requested the Centre for inclusion of 61 Communities in the list of Scheduled Castes and 243 Communities in the list of Scheduled Tribes; and

(b) if so, when the recommendations were made by Orissa Government and the action taken thereon?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) and (b). The Government of Orissa have been recommending the inclusion of certain communities in the list of Scheduled Castes and Scheduled

Tribes from time to time. And these recommendations are being considered in the context of the proposed comprehensive revision of the lists of Scheduled Castes and Scheduled Tribes. Further, any amendment in the existing lists of Scheduled Castes and Scheduled Tribes can be done through an Act of Parliament in view of Articles 341 (2) and 342 (2) of the Constitution.

Technology Missions in Kerala

4417. SHRI V.S. VIJAYARAGHAVAN: Will the PRIME MINISTER be pleased to state:

(a) the details of the work being undertaken under the various Technology Missions in Kerala;

(b) the total funds allotted to Kerala for this work; and

(c) by what time to work undertaken under these Missions is likely to be completed?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN) : (a) The Technology Missions on Immunisation, Drinking Water, Literacy, Telecommunications and Oil Seeds cover Kerala also. The details of the work being undertaken under the various Technology Missions in Kerala are available in the published Mission documents.

(b) Each of the Mission envisages provision of funds for the implementation of the Mission as per targetted programme. The actual expenditure upto 1987-88/provisional allocation of funds for the various

Mission for the period upto 1990 is as follows:-

IMMUNISATION—Rs. 92.95 Lakhs allocation upto March 1989.

DRINKING

WATER —Rs.33.84 Crores-expenditure upto 1987-88.

LITER-

ACY—Rs. 1.56 cores-allocation upto March 1988.

TELE-

COMMUNICATIONS—Rs. 80 crores-approximate allocation upto March 1990

OILSEEDS -Rs. 1.65 crores -allocation upto March 1988.

(c) The first phase of the Missions is likely to be completed by March 1990.

Development of Simple technology

4418. SHRI V.S. VIJAYARAGHAVAN: Will the PRIME MINISTER be pleased to state:

(a) the details of the work done in developing the simple technology in respect of tools, small machines etc. used by ordinary workmen in the country; and

(b) the details of future plan in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT,

OPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN) : (a) and (b). The Government is encouraging development of simple technologies in respect of tools small machines etc. used by rural artisan/farmers under the Social Programmes of the Department of Science and Technology. Grant-in-aid is considered on applications received from research institutions, national laboratories and voluntary organisations for time-bound projects with the objective of developing improved tools small machines. Electrical-cum-manual grain processor-cum-husk expeller by Regional Research Laboratory, Jorhat; an efficient charkha for wool-spinning by Shri Ram Institute for Industrial Research, Delhi; improved tools for making footwear in Dharwar, Karnataka, etc. are some of the instances in this regard. The Indian Council of Agricultural Research, which attaches great importance to development of tools and machinery suiting the needs of small and marginal farmers, has released about eighteen such equipments which include an improved sickle, maize-sheller, air-screen grain cleaner, etc.

Tribal Sub-Plan Outlay For Bihar

4420. SHRI H. N. NANJE GOWDA: Will the Minister of WELFARE be pleased to state:

(a) the Tribal Sub-Plan outlay of Bihar in the last three years and the percentage of increase each year;

(b) the States which have increased the Tribal Sub-Plan outlay in 1987-88 and the extent of increase;

(c) whether Union Government have issued directives to the States and Union Territories to increase the Tribal Sub-Plan outlay; and

(d) if so, the details thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) The Tribal Sub-Plan outlay of Bihar during the last three years and the percentage of increase is as follows:-

	<i>TSP outlay Rs. in crores</i>	<i>Percentage of increase over the last year.</i>
1985-86	194.13	26.32
1986-87	259.49	33.66
1987-88	333.50	28.52

(b) Out of Seventeen States and two Union territories covered under Tribal Sub-Plan, Sixteen States and one Union territory have increased the TSP outlay as per statement given below and the average extent of

increase was about 23.17%.

(c) and (d) States and Union territories have been asked to quantify funds under Tribal Sub-Plan commensurate with their tribal population.

STATEMENT

<i>S.No.</i>	<i>State/U.Ts.</i>	<i>Amount Quantified for 1986-87</i>	<i>Amount Quantified 1987-88</i>	<i>Percentage increase</i>
<i>(Rs. in lakhs)</i>				
1.	Andhra Pradesh	5009.37	5896.71	+ 17.71
2.	Assam	5627.00	6208.00	+ 10.32
3.	Bihar	25949.45	33350.81	+ 28.52
4.	Gujarat	10138.69	13008.51	+ 28.30
5.	Himachal Pradesh	1845.00	2025.00	+ 9.75
6.	Karnataka	1026.82	1502.72	+ 46.34
7.	Kerala	633 00	806 15	+ 27.35
8.	Madhya Pradesh	24276.00	28354.00	+ 16.79
9.	Maharashtra	11350 00	17296.66	+ 52.39
10.	Manipur	2719 00	4754.40	+ 74 85
11.	Orissa	16758.00	19107.54	+ 14.02
12.	Rajasthan	8234 00	6208.00	— 24.60
13.	Sikkim	343 00	1382.63	+ 303.00
14.	Tamil Nadu	765 77	796.65	+ 4.03
15.	Tripura	3362 00	5950.13	+ 76.98
16.	Uttar Pradesh	159.20	190.30	+ 19.53
17.	West Bengal	2529 00	3266.89	+ 29.17
18.	A & N Island	1798 22	781.63	— 56.53
19.	Goa, Daman & Diu	44 00	81.59	+ 85.43
GRAND TOTAL		122567 52	150968.32	+ 23.17

Evasion of Sales Tax in Delhi

4421. DR. B.L.SHAILESH:
 SHRI PRAKASH CHANDRA:
 DR. G.S. RAJHANS:
 SHRI DHARAM PAL SINGH
 MALIK:
 SHRI SUBHASH YADAV:
 SHRI P.M.SAYEED:
 SHRI HAFIZ MOHD. SIDDIQ:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a recent study of the Sales Tax system in Delhi conducted by the National Institute of Public Finance and Policy commissioned by the Delhi Administration has revealed that Delhi tops in Sales Tax evasion in respect of a number commodities, especially the auto parts;

(b) if so, the estimates of sales tax under Delhi Sales Tax and Central Sales Tax evaded in respect of some of the prominent commodities, articles and auto parts in particular;

(c) the modus operandi of such massive evasion; and

(d) the measures Government propose to take to prevent such huge loss of revenue and plug the existing loopholes?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) and (b). In 1982, the Delhi Administration entrusted the National Institute of Public Finance & Policy with a study of the sales tax system in the Union Territory of Delhi. The Institute chose only two commodities, namely automobile parts and sanitary-wares and fittings to study the magnitude of sales tax evasion. In comparison to Tamil Nadu, Kerala and Bihar for which studies were made in respect of

automobile parts, it has pointed out that evasion in Delhi was higher. The Institute estimated the extent of evasion to be 81% in automobile parts and 30% in sanitary wares and fittings. The report of the Institute is based on several assumptions and is related to the years 1977-78 and 1978-79.

(c). Generally tax evaders adopt the following methods to evade/avoid payment of tax:

- 1) By not accounting for the purchases and the resultant sales;
- 2) By under-pricing or under-invoicing of sales;
- 3) By falsification of documents;
- 4) By getting themselves registered as dealers and disappearing after a good deal of business;
- 5) By showing sales to registered dealers free of tax against fake declaration forms

(d) Various steps have been taken to prevent loss of revenue and plug the possible loop-holes. Quite a large number of classes of goods have been shifted from the last point to the 1st point for the levy of tax. Dealer to dealer transactions are being got verified in doubtful cases. Surveys of dealers to detect cases of tax evasion have been intensified. More vigorous enforcement measures have also been undertaken.

Programme to Provide Employment to youth

4422. SHRI H.B. PATIL: Will the Minister of PLANNING be pleased to state:

(a) whether Union Government had decided to launch a comprehensive programme to provide employment to youth all

over the country;

(b) if so, whether Government had plans to defuse the crises of anarchy prevailing in part of the vast country by channelising the vast energy of youth in constructive manner so that they could not be exploited by the divisive and anti-national forces at any time; and

(c) if so, the details regarding the plan and programme of Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) to (c). The ongoing schemes of the Government in connection with employment of youth are the Scheme for providing Self-Employment to Educated Unemployed Youth and the National Scheme of Training of Rural Youth for Self Employment (TRYSEM). Besides, there is a scheme for young scientists to encourage research oriented activities involving the new generation of Scientists (upto the age of 35 years) and a new scheme for Better Opportunities for Young Scientists in Chosen Areas of S&T (BOYS-CAST) to provide greater opportunities to talented young scientists and technologists for first hand specialised training in chosen front-line areas of S&T at international centres of repute. Under the Science and Engineering Research Council of the Department of Science & Technology outstanding young scientists are also supported for taking up thrust area research programmes. Further, there is the National Service Volunteer Scheme, which aims at providing opportunities to young people, generally those who have completed their first degree course, to involve themselves on a voluntary basis in nation building activities.

Transfer of high Technology to India by US

4423. SHRIMATI BASAVARAJESWARI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether the Senate Appropriation Committee of the United States has approved an amendment to the Foreign Assistance Act according to which US would block its transfer of high technology to India and also would stall defence cooperation with India;

(b) if so, whether Government had lodged a protest with the US Government on this; and

(c) if so, the reaction of US Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) No, Sir.

(b) and (c). Do not arise.

Recruitment of Women in Police

4424. SHRI N. DENNIS:
SHRIMATI JAYANTI PATNAIK:
CH. RAM PARKASH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of women police personnel in the country, State-wise/Union Territory-wise;

(b) whether there are proposals under consideration of Government to increase their number to cope up with the present

circumstances and increasing needs; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) to (c). The subject 'public order' and 'police' are included in the State list of

the VIth Schedule to the Constitution. It is for the State Government to fix the number of women for appointment in the police department according to their requirements. Under the 8th Finance Commission Award, the Central Government provide financial assistance to the States for appointment of women constables.

The total number of women employees in the police department of the Union Territories at present is given below:-

Andaman & Nicobar islands	—	46
Chandigarh	—	37
Dadra & Nagar Haveli	—	13
Delhi	—	470
Lakshadweep	—	nil
Pondicherry	—	14

Proposal to Increase Naval Defence

4425. SHRI N. DENNIS:
SHRIMATI JAYANTI PAT-
NAIK:

Will the Minister of DEFENCE be pleased to state:

(a) whether Government propose to increase the Naval Defence in view of the naval activity of outside powers in our region; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) and (b). Government is aware of and concerned at the extensive military presence of external forces in the Indian Ocean. Government keeps all developments having a bearing on

the country's security under constant observation and initiates appropriate counter-measures, from time to time, to maintain defence preparedness. The Indian Navy is re-equipped and modernised in keeping with the emerging threat perceptions.

Progress in Indigenous design of Missiles

4426. SHRI SHARAD DIGHE: Will the Minister of DEFENCE be pleased to state:

(a) the programme proposed in the year 1988 in the field of indigenously-designed missiles and precision-guided weapons; and

(b) the different missile projects moving towards the take-off stage?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-

TOSH MOHAN DEV): (a) and (b). The following missile system projects have been sanctioned:-

- (i) *PRITHVI* — (Surface-to-Surface) Tactical battle-field missile system.
- (ii) *TRISHUL AND AKASH* — Surface-to-Air missile systems.
- (iii) *NAG* — Third Generation Anti Tank Missile System.

'PRITHVI' and 'TRISHUL' missile systems have entered into flight test phase. 'AKASH' and 'NAG' missile systems are in the advanced stage of development tests. In the year 1988, series of development flight trials are planned.

[Translation]

Review of Implementation of Schemes of hill Areas

4427. SHRI HARISH RAWAT: Will the Minister of PLANNING be pleased to state:

- (a) whether Government reviews the

implementation of schemes in those areas of some States for which plan provision is made as special areas by the Planning Commission;

(b) whether review of the implementation of scheme in hill areas of Uttar Pradesh has been made;

(c) if so, the position in respect of the implementation thereof; and

(d) if not, whether such review will be made in the future?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) Yes, Sir. Detailed reviews are carried out at the time of annual plan finalisation. Quarterly progress reports are also monitored.

(b) Yes, Sir

(c) The outlay for the Seventh Plan and expenditure during the first three years of the Plan in respect of hill areas of Uttar Pradesh are as under:-

(Rs. crores)				
Source of Funding	7th Plan outlay	1985-86 Exptd.	1986-87 Antcpd. Expdr.	1987-88 Antcpd Expdr.
Special Central Assistance	553.50	108.55	120.00	129.65
State Plan	521.50	77.67	86.61	105.35
Total	1075.00	186.22	206.61	235.00

(d) Review is a continuing process.

Government.

Areas under Lucknow bench of U.P. High Court

4428. SHRI HARISH RAWAT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether people of hilly areas of Uttar Pradesh have been demanding to attach these areas with the Lucknow Bench of the Uttar Pradesh High Court; and

(b) if so, the steps being taken to fulfil this demand?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) In its report, the Jaswant Singh Commission have stated that the people of the hilly areas, viz., Garhwal and Kumaon Divisions, of Uttar Pradesh asked for establishment of a Bench of the Allahabad High Court at different places in the region. Some people also suggested that if a Bench of the High Court cannot be established in the said areas, certain Districts may be tacked on to the Lucknow Bench.

(b) The specific recommendations of the Jaswant Singh Commission relating to establishment of Benches of Allahabad High Court were referred to the Chief Minister of Uttar Pradesh on 23.10.86. A reply dated 26.6.87 was received but this did not give the definite views of the State Government in the matter. The Chief Minister of Uttar Pradesh was again addressed on 25.7.87 and requested to give the definite views and proposals of the State Government having regard to all aspects of the matter. No further communication from the State Government has been received.

A decision in the matter can be taken by the Central Government only on receipt of specific, complete proposals from the State

Special working group for removing economic Backwardness of U.P.

4429. SHRI HARISH RAWAT: Will the Minister of PLANNING be pleased to state:

(a) whether Union Government propose to constitute a special working group to study the possibilities of removing economic backwardness and development of Eastern and South Eastern parts of Uttar Pradesh;

(b) if so, the details in this regard; and

(c) if not, the special assistance proposed to be given for the development of aforesaid parts of this State?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) No, Sir.

(b) Does not arise.

(c) The State Government are already giving priority to the development of the Eastern region by setting up four divisional development corporations to cover 15 districts. A separate University of Agriculture and Technology has been set up at Faizabad in 1975. These districts are covered under the Special Rice Production Programmes as well as the Training and Visit Scheme in the agricultural sector. The Gandak Command Area Development Authority and the Sharda Sahayak Command Area Development Authority have been set up to ensure better utilisation of the irrigation potential.

Over 43 per cent of the funds under the Poverty Alleviation programmes are allocated to the Eastern districts.

A number of Central and State Government projects in Fertilisers, Engineering, Aviation, Power, Handloom, Leather and Chemical sectors are located in the area.

National Institutes for Handicapped in Uttar Pradesh

4430. SHRI HARISH RAWAT: Will the Minister of WELFARE be pleased to state:

(a) the number of national institute working for handicapped persons in Uttar Pradesh;

(b) whether Government are considering to open an institute for handicapped persons in Uttar Pradesh during the current financial year; and

(c) if so, the time by which and the place at which this institute will be opened?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) Only one national institute viz. National Institute for the Visually Handicapped, Dehradun is located in Uttar Pradesh.

(b) No Sir.

(c) Does not arise.

[English]

Recruitment in Army

4431. PROF. P.J. KURIEN: Will the Minister of DEFENCE be pleased to state:

(a) whether any new recruitment procedure has been adopted in the army;

(b) if so, the details thereof;

(c) whether the response from the public in respect of recruitment to the army is quite satisfactory; and

(d) if not, the measures contemplated to get better response from the people?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a to (d). A Statement is given below.

STATEMENT

There is no substantial change ... the Recruitment System for enrolment into the Army. Earlier in the high response areas the candidates used to be shortlisted on the basis of educational qualification, high bar and one mile run. This procedure has been replaced with the introduction of 'Application System of Recruitment'. This system was introduced with effect from 1st October, 1987 in the States of Punjab, Uttar Pradesh, Haryana, Himachal Pradesh, West Bengal, Tamil Nadu and Kerala. It will be introduced in all Zones (except Gorkha Recruiting Depot, Kunraghat, responsible for enrolment of Gorkhas) for both Matric Entry Rate (MER) and Normal Entry Rate (NER)—Matric Categories with effect from 1st April, 1988. In this system, applications are invited from prospective candidates after wide publicity. Specific date is laid down for receipt of applications. After the due date, applications are acknowledged and scrutinised at the Headquarters of Recruiting Zone. Shortlists are prepared on the basis of education, age, height, NCC/ITI certificates, sports, etc. Candidates thus selected are given call up letters for Screening, Medical and Physical Tests, Written examinations and final selection at a given date and venue.

2. The response from the public in respect of recruitment to the army is quite satisfactory.

Assistance to Individuals for Research Work

4432. SHRI K. KUNJAMBU: Will the PRIME MINISTER be pleased to state:

(a) whether Government propose to assist research in technology by individuals/private institutions;

(b) if so, the details thereof;

(c) how much money has given to Kerala for this purpose during 1987; and

(d) the details of the work done in this field?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) and (b). Yes, Sir.

Government already has programmes to assist research in Science and Technology by individuals as well as Non-Profit Making Private Institutes and other registered societies. All the Scientific Departments and agencies have specific R&D schemes to promote and assist research in Science and Technology by individuals/registered Societies/Non-Profit Making private institutions like Tata Energy Research Institute, Operations Research Group, Development Alternatives, etc.

(c) The Department of Science and Technology has provided a sum of Rs. 35 lakhs for Kerala towards Research work during 1987.

(d) The details of the work include: Studies on material-tissue interface of experimental prosthesis of reconstructive sur-

vey; Studies on improving synthetic biomedical membranes for hemodialysis; Cardiovascular change in Induced Malnutrition; Acoustic Phonon Instability and dispersion Instructural Common sweater; Palaeoma-gretism of Basic dykes of Kerala and Tamilnadu Region.

Cases pertaining to landlord-tenant disputes

4433. SHRI. P.M. SAYEED: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of cases pertaining to landlord-tenant disputes pending before the courts in Delhi as on 1 January, 1988;

(b) the number of such cases disposed of during the last two years ending 1 January, 1988;

(c) whether there is a proposal to entrust Lok Adalats with such disputes; and

(d) the steps taken and proposed to be taken by Government to liquidate the accumulated lot of these cases?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b). Information is being collected and will be laid on the Table of the House.

(c) In Rajasthan some such cases have already been handled. Efforts are made to take up simple tenancy cases also wherever possible at the Lok Adalats.

(d) The Government is proposing to bring about an amendment to the Delhi Rent Control Act, 1958 with a view to striking a balance between the interests of land-lords and tenants. This, it is expected, will reduce the accumulated lot of arrears.

[Translation]

Assistance of Computers to Apprehend the Culprits

4434. DR. CHANDRA SHEKHAR TRIPATHI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are taking the assistance of Computers in apprehending the culprits in Delhi;

(b) if so, whether the computers are of much help in apprehending the culprits; and

(c) if so, the number of culprits apprehended through computers so far?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION (SHRI P. CHIDAMBARAM)

(a) Yes, Sir

(b) and (c) The computer only keeps a record of criminals. During the year 1987, the Computer Centre provided guidance to investigating officers in 1210 cases

[English]

On-going Space Projects

4435. SHRI Y.S. MAHAJAN: Will the PRIME MINISTER be pleased to state:

(a) the number of on-going space projects, when were these launched, the original completion schedule and the present completion schedule;

(b) what was the original cost of each project and what will be the estimated cost when each project is finally completed;

(c) the precise reasons for delays in the case of each projects; and

(d) what will be the effect of these time and cost over-runs?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN) (a) to (d) A statement is given below

STATEMENT

STATEMENT							
1	2	3	4	5	6	7	8
Name of Ongoing Projects							
		Sanctioned cost (Rs.in Cr)	Revised cost(app) (Rs.in Cr)	Original schedule	Revised schedule	Reasons for revision in schedule	Effect of cost and time overrun
1)	Augmented satellite Launch Vehicle (ASLV) (Two developmental flights)	19.73	-	End 1985	First developmental flight (ASLV-D1) took place on 24.3.87	Reasons for delay ASLV-D1 -Extensive damage to the installations and disruptions to work on the launch complex and associated facilities due to cyclone of November 1984	All the Projects are included in to the approved space Profile for the decade 1980-90. The baisc objectives of the Space Programme as spelt out in the profile will be realised by 1990.
				End 1986	Second developmental flight (ASLV-D2) in first half of 1988.	-Technical problems encountered in the development of the closed loop guidance systemd developed for the first time in the country.	
						-Need for conducting more tests on rocket motors.	

1	2	3	4	5	6	7	8
						ASLV-D2	
						Likely to be launched in the first half of 1988.	
4)	Polar Satellite Launch Vehicle (PSLV) (Two developmental flights)	311.57	415.00	<p>First developmental flight March '88</p> <p>Second developmental flight-April '89</p>	<p>Second half of 1989</p> <p>Second half of 1990</p>	<p>PSLV first Flight</p> <p>-Change in configuration;</p> <p>-Extremely complex technologies involved in the development of critical systems and sub-systems leading to delay in the realisation of these subsystems;</p> <p>-Delay in the procurement of various components and delay in launch complex readiness, partly due to export restrictions from some of the countries.</p>	<p>The time and cost over-runs that have taken place so far are not expected to have any significant impact on the realisation of the objectives of the space programme.</p>

1	2	3	4	5	6	7	8
5)	Augmented Satellite launch Vehicle-continuation Project (ASLV-C) (Two flights) (After two developmental flights of ASLV D-1 & D2).	17.97		ASLV-C first flight 1989/90			
6)	Stretched Rohini Satellite Series (SROSS) 3 & 4	13.40		First flight 1989-90			
7)	Indian National Satellite-1C (INSAT-1C)	103.55	154.09	Launch in September 1986	Launch in July 1988	U.S Space Trans-Extended single portation system satellite (Space Shuttle) 'Challenger' accident of January 1986 led to change in the launcher.	operation, Delay in expansion of INSAT services.
8)	INDIAN NATIONAL Satellite-1D (INSAT-1D)	142.00	167.96	Launch in late 1988-89	Launch in March-April 1989	Not applicable.	Cost increase cause by (i) exchange rate variation, and (ii) change in the launcher resulting from

1	2	3	4	5	6	7	8
9)	Indian National satellite-II-Test Spacecraft (INSAT-II(TS))	243.10	No Change	Flight Model-1 delivery end 1989 and Flight Model-2 delivery end 1990.	Flight Model-1 delivery 2nd quarter of 1990 and Flight Model-2 delivery 2nd quarter of 1991	Procurement/fabrication delays.	unavailability of a timely STS launch following the Challenger' accident. No significant effect.

Development of Aero-Gas turbine Engine

4436. SHRI Y.S. MAHAJAN: Will the Minister of DEFENCE be pleased to state:

(a) whether the scientists of Gas Turbine Research Establishment, Bangalore, have developed a modern aero-gas turbine engine;

(b) if so, whether the performance of indigenously developed aero-gas turbine engine is comparable to the imported one;

(c) how does the cost of indigenously developed engine compare with the imported engines; and

(d) the estimated savings of foreign exchange per engine?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) Gas Turbine Research Establishment (GTRE) has undertaken the development of a modern aero-gas turbine engine viz. 'GTX'. A demonstrator model of the subject engine has been run at the designed RPM successfully. Further work on development of the engine is under progress.

(b) Its design performance is comparable to any contemporary engine.

(c) and (d). It is difficult to give figures at this stage since the engine is still under development.

[Translation]

Freedom Fighters Settled Abroad

4437. SHRI R.M. BHOYE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have conducted any survey with regard to the freedom fighters who have settled abroad;

(b) if so, the names of the countries in which they have settled and the assistance being given to them;

(c) whether Government have conducted any survey with regard to the freedom fighters who have settled in Andaman & Nicobar Islands and other islands and are leading a life of anonymity; and

(d) if so, the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) No, Sir.

(b) Does not arise

(c) and (d). As on 31.1.88, Central pension has been sanctioned in 38 cases of freedom fighters from Andaman & Nicobar Islands.

[English]

Extraction of Polymetallic Nodules

4438. SHRI SHANTARAM NAIK:
SHRI PRAKASH V. PATIL:

Will the PRIME MINISTER be pleased to state:

(a) whether the process of extraction of polymetallic nodules from the mine site allotted by the United Nations Preparatory Commission recently to India has begun;

(b) if so, the details thereof and the progress made so far; and

(c) the capital invested on it?

THE MINISTER OF STATE IN THE

MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) and (b). Extraction of polymetallic nodules from the mine site has been going on for the last several years with the help of grabs and dredges. Research and Development work on the extraction of metals from the nodules is also being carried out in several national laboratories in the country. Commercial exploitation and mining of nodules will start after all the studies have been completed and the techno-economic feasibility for mining has been established.

(d) Since the Department of Ocean Development was created in March 1982, about Rs. 19 crores have been invested on the work of the exploration of polymetallic nodules and their metallurgy including the cost of chartering of vessels, cost of equipment and spares and promotion of activities leading to a pilot plant.

Seminar on spot transfer of Technology

4439. SHRI PRAKASH CHANDRA:
SHRI M. RAGHUMA REDDY:

Will the PRIME MINISTER be pleased to state:

(a) whether a seminar on the spot transfer of technology under the National Research Development Corporation was held in New Delhi during the 4th week of February, 1988:

(b) if so, the particulars of participants;

(c) the nature of discussions held in the seminar; and

(d) the recommendations made, if any, to the Government?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND THE MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir.

A Seminar-cum-Exhibition (Tech Trans '88 Electronics) was jointly organised by the National Research Development Corporation and Small Industries Service Institute, Ministry of Industry, New Delhi on the 25th & 26th February 1988 to disseminate information on technologies developed by various National Laboratories and R & D Institutions in the field of Electronics and to highlight the respective roles of the two organisations in effecting technology transfer to the small scale sector.

(b) 145 persons from about 100 small scale companies attended the seminar and 250 people visited the exhibition.

(c) A seminar was organised during the morning of the first day at which 27 scientists from 9 National Laboratories and R&D Institutions, about 15 senior officers from Department of Electronics, Development Commissioner (Small Scale Industries), Ministry of Defence, and 145 persons from 100 small scale companies were present. 3 technical papers were presented. Thereafter the participants were shown the working of the prototypes displayed in the exhibition and technical discussions were held between the Scientists of the R&D Institutes, NRDC officers and the interested parties/entrepreneurs.

(b) Does not arise.

Purchase of Sea-Trailers

4440. DR. KRUPASINDHU BHOI: Will the Minister of DEFENCE be pleased to state:

(a) whether Government propose to purchase more sea Harriers; and

(b) if so, the steps taken in that direction?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) No, Sir.

(b) Does not arise.

Outlay for Karnataka during Seventh Plan

4441. SHRI SRIKANTHA DATTA NARASIMHARAJA WADIYAR: Will the Minister of PLANNING be pleased to state:

(a) the outlay proposed for Karnataka State during Seventh Plan;

(b) the amount out of that released to

that State so far;

(c) the amount utilised by that State by the end of June, 1987; and

(d) the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) Karnataka's Seventh Five Year Plan outlay has been fixed at Rs. 3575 crores.

(b) Central Assistance of Rs. 478.34 crores has been released to the State upto 1986-87 out of their entitlement of Rs. 873.73 crores.

(c) and (d). A statement is given below indicating plan outlay utilised by the State upto June 1987.

STATEMENT

(Rs. in crores)

Seventh Five Plan (1985-90 (Agreed Outlay)	Annual Plan 1985-86		Annual Plan 1986-87		Annual Plan 1987-88	
	Approved Outlay	Actual Expdr.	Approved Outlay	Actual Expdr.	Approved Outlay	Expdr. upto June 1987
3575.00	651.00	637.67	766.00	696.17	870.00 (769.45) Revised	94.13

Institute of Military Law

4442. SHRI AJAY MUSHRAN: Will the Minister of DEFENCE be pleased to state:

(a) whether the Government have set up an institute of Military Law;

(b) if so, whether the training has commenced at this Institute; and

(c) if not, whether the Government propose to set up an institute of this nature?

THE MINISTER OF STATE IN THE

MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) to (c). A decision to start an Institute of Military Law, to be set up in three phases, has been taken in principle and at present the second phase is in operation. The Institute is to be set up temporarily at Shimla and arrangements are in progress for equipping it with necessary infra-structure. It will take some time before the Institute becomes functional.

[Translation]

Study Group on Bodhghat Hydel Project

4443. **SHRI MAHENDRA SINGH** Will the Minister of WELFARE be pleased to state.

(a) the date on which Union Government constituted the Study Group to study the social, economic and cultural impact on tribals displaced due to Bodhghat Hydel Project and the date on which this study Group submitted its report, the details thereof, and

(b) if the report has not been submitted so far, the time by which it is likely to be submitted?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) The Study Group was constituted by Central Government on 19th August, 1987. The Group submitted its report on 17th February, 1988. Members of the Group had different views and could not reach a consensus on the likely impact of the project on the socio-economic and cultural life of the tribals.

(b) Does not arise.

[English]

Freedom Fighters' Pension Cases

4444. **PROF. NARAIN CHAND PARASHAR:** Will the Minister of HOME AFFAIRS be pleased to refer to the reply given on 25 November, 1987 to Starred Question No. 271 regarding facilities to Freedom Fighters and state;

(a) the number of Freedom Fighters who have received the Swatantrata Sainik Samman Pension in each of the States/ Union Territories, separately for Civil Freedom Fighters, and Ex-INA personnel as on date

(b) the number of claims pending from each State/Union Territories as on date and the likely date by which claims would be settled, and

(c) the steps taken in this regard by Government?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): (a) As on 31.1.1988 samman pension has been sanctioned in 1,44,593 cases. A statewide statement is given below

(b) and (c) Out of 4,46,062 applications received under the Freedom Fighters Pension Scheme, 1972 and the Swatantrata Sainik Samman Pension Scheme, 1980 as on 31.1.1988 1231 cases are awaiting disposal. Out of them, 442 cases are those having some special features which could not be disposed of during the special drive undertaken in the last financial year, 784 cases are to be scrutinised by the Committee of non-Officials on Arya Samaj Movement cases and 5 cases pertain to the Committee on Sind cases. State-wise posi-

tion has been shown below. The cases having special features will be finalised on receipt of verification reports from the con-

cerned State Governments. The remaining cases will be finalised on receipt of the report of the concerned Non-Official Committees after necessary scrutiny.

STATEMENT

<i>Names of States</i>		<i>Number of sanctioned cases</i>
1	2	3
1.	Andhra Pradesh	8,887
2.	Assam	4,122
3.	Bihar	22,367
4.	Gujarat	3,450
5.	Goa	708
6.	Haryana	1,422
7.	Arunachal Pradesh	2
8.	Himachal Pradesh	456
9.	J & K	1,643
10.	Karnataka	9,834
11.	Kerala	2,543
12.	Maharashtra	15,843
13.	Manipur	62
14.	Madhya Pradesh	3,201
15.	Meghalaya	74
16.	Mizoram	3
17.	Nagaland	3
18.	Orissa	3,813
19.	Punjab	6,124

1	2	3
20.	Rajasthan	692
21.	Tamil Nadu	3,860
22.	Tripura	704
23.	Uttar Pradesh	17,242
24.	West Bengal	16,300
25.	I.N.A	18,966
U.TERRITORIES		
1.	A & N	38
2.	Chandigarh	82
3.	Delhi	1,870
4.	Pondicherry	282
		<hr/> 1,44,593

STATEMENT

(a) Cases having special features:

Name of the State	Pending cases
1	2
Andhra Pradesh	45
Bihar	276
Kerala	10
Madhya Pradesh	45
Maharashtra	28
West Bengal	37
	<hr/> 442

1	2
(b) Arya Samaj Committee cases	
Andhra Pradesh	96
Bihar	193
Delhi	33
Gujarat	1
Haryana	104
Himachal Pradesh	4
Jammu & Kashmir	2
Karnataka	67
Madhya Pradesh	8
Maharashtra	25
Punjab	189
Rajasthan	26
Uttar Pradesh	35
West Bengal	1
	784
(c) Sind Committee cases	5
Total :	1231

Crash of Delhi Bound IAF Aircraft

4445. SHRI KAMLA PRASAD SINGH:
Will the Minister of DEFENCE be pleased to state:

(a) whether a Delhi bound IAF AN-12 transport aircraft crashed mid-air on 8 March, 1988;

(b) if so, the details thereof;

(c) the number of local people killed and houses/shops burnt in the accident; and

(d) the steps taken to rehabilitate the affected people and families?

THE MINISTER OF DEFENCE (SHRI

K. C. PANT): (a) and (b). Yes, Sir. One of the engines of the aircraft caught fire, and it crashed near Cuttack in Orissa.

(c) Seven civilians lost their lives in the accident. Some huts were also burnt.

(d) An ex-gratia grant of Rs. 5,000/- to the next-of-kin of the deceased civilians, and Rs. 2,000/- to the injured was announced immediately. The exact amount of damage to civil property is being assessed by the local authorities. Suitable compensation for the loss of lives, injuries and damages to property will be paid.

Private Sector Industries for Space Projects

4446. SHRI VAKKOM PURUSHOTHAMAN: Will the PRIME MINISTER be pleased to state:

(a) whether private sector industries have been associated with the manufacture of components for the country's space projects;

(b) if so, the details thereof; and

(c) whether it is under consideration of Government to allow greater participation of private sector industries in our space projects?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) to (c). A Statement is given below:-

STATEMENT

(a) Yes, Sir.

(b) Private sector industries have been associated with the manufacture of certain components that go into launch vehicles and satellites. They are also associated with the manufacture of various components that go into ground systems for testing, launching, telemetry, tracking, satellite data reception, processing and dissemination. Industries in private sector have also been associated through the Indian Space Research Organisation's (ISRO's) Technology Transfer Scheme which is serving three major goals, viz.

meeting the requirements of the space programme's own projects through buy backs of products produced by industry based on ISRO technology transfer:

servicing the rapidly expanding space applications markets in India catalysed by the space programme, in the fields of satellite communications, remote sensing for natural resources survey and management, environmental monitoring, etc; and

to exploit the full potential of various technologies developed by the space programme for multifarious (non-space) spin off applications

Till date, 133 new technologies have been transferred by India Space Research Organisation (ISRO)/National Remote Sensing Agency (NRSA) to 65 industries of which 44 are in private sector. The important components manufactured by private sector industries for the space projects include the following:

- rocket propellants including metal fuel powders, ammonium perchlorate, fuel binder resins like hydroxyl terminated poly butadiene, liquid fuels like unsymmetrical dimethyl hydrazine and mono methyl hydrazine etc.
- rocket stage hardware like motor cases in special alloy steel, tank-ages;
- precision machined components for liquid rocket engines and control systems;
- launch service structures, ground equipment, test rigs;
- Ground antennae;
- Printed circuit boards for electronics and certain electronic parts/components used in rockets;
- Ground systems for space systems utilisation and space applications in Remote Sensing and Direct TV reception from satellite;
- Environmental test equipment of certain types like temperature/humidity simulation chambers;
- Electronics subsystems, micro-processor based systems and computers;
- Special consumables like liquid nitrogen and argon etc.

(c) Greater participation of private sector industries in India's space projects is envisaged through the following initiatives:

- Promotion of 'Space divisions' in

more industries;

- Concerted cooperation with high-technology sectors in industry including the small scale and medium scale;
- Promotion of industrial 'Consortia' of major tasks;
- Advanced investments in industry (for R & D and mobilisation) for indigenisation and supply;
- Special programme for selective indigenisation of electronics components;
- Development of ancillary and high-technology industry parks around the space centres;
- Greater use of industrial and high-technology consultancy;
- Transmission of the reservoir of capabilities in Quality Assurance/Quality Control/Reliability Engineering/Safety Engineering in ISRO to Indian industry.

Wholesale Price Index

4447. SHRI K.S. RAO: Will the Minister of PLANNING be pleased to state:

(a) whether Government have announced revised series of Consumer Price Index for Urban manual employees; and

(b) if so, the details in this regard and whether the Dearness Allowance will be linked with this and if not, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PRO-

GRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI) : (a) No, Sir. However, a revised series of consumer price index numbers for urban non-manual employees with base 1984-85= 100 was released with effect from November 1987.

(b) The revised series of consumer price index numbers for urban non-manual employees is based on consumption pattern of urban non-manual employees estimated through family living survey conducted during 1982-83 in 59 selected urban centres all over the country as against 45 centres in the earlier series with 1960 as the base. The coverage of items in the revised series has also been enlarged. Further, market surveys carried out during 1983 in each of the centres provided the basis for regular price collection for the revised series.

At present the dearness allowance for Central Government employees is linked to all-India consumer price index numbers for industrial workers (General) (Base 1960=100). There is no proposal to change the present arrangement.

Financial Assistance to Other Countries

4448 SHRI H N NANJEE GOWDA Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether India's financial assistance to other countries during 1986-87 has increased to Rs 146 crores as against Rs 124 crores during the previous year,

(b) if so, how many countries are getting financial assistance from India,

(c) whether Bhutan is getting largest financial assistance from India, and

(d) if so, the amount of assistance given to Bhutan?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH) : (a) Yes, Sir

(b) During 1986-87 financial assistance was given to 10 countries

(c) Yes, Sir

(d) Rs 79.6 Crores in 1986-87

Closure of PLO Observer on Mission in New York

4449 DR B L SHAILESH Will the Minister of EXTERNAL AFFAIRS be pleased to state

(a) whether India along with other members have urged the United States of America of its obligation as the United Nation's host, not to close the Palestine Liberation Organisation's observer Mission in New York, and

(b) if so, the reactions of the U S Government in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH) : (a) Yes, Sir

(b) In a communication dated March, 11, 1988 addressed to the U N Secretary General the United States Government has stated that under the Anti-Terrorism Act of 1987 the office of the Palestine Liberation Organisation Observer Mission to the United Nations in New York, is required to be closed, irrespective of any obligations which the United States may have under the Headquarters Agreement between the United Nations and the United States of America. The US Government has further stated that if the Palestine Liberation Organisation does not comply with the Act, legal action to close the PLO observer Mission would be initiated on or about March 21, 1988, which is the

date on which the Act would come into effect. Furthermore, though the U.N. General Assembly, in a resolution adopted on 2 March 1988, decided to refer the question of whether the United States was under an obligation to enter into arbitration in accordance with the provisions of the Headquarter's Agreement, to the International Court of Justice for an advisory opinion, the United States has stated that the submission of this matter to arbitration would not serve a useful purpose.

Work Done By Explosive Research and Design Laboratory

4450. SHRI CHINTAMANI JENA: Will the Minister of DEFENCE be pleased to state:

(a) the salient achievements of Defence Research and Development Organisation;

(b) whether Explosives Research and Development Laboratory (ERDL) under the DRDO has developed plastic explosive for demolition role which can work at minus 30 degree celsius; and

(c) whether the ERDL is also engaged in developing fuel-air explosive (FAE) based weapons, more powerful mine-breaching systems harnessing liquid propellants for greater range to the guns, missile propellants and superior rockets?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV) : (a) A statement is given below.

(b) The new explosive has been tested upto minus 20 degree celsius.

(c) Yes, Sir.

STATEMENT

Defence Research and Development Organisation (DRDO) functions as a major organisational constituent of the Department of Defence Research and Development which has the mandate to formulate and execute programmes of scientific research, design, development and test leading to induction of new weapon systems, platform and other equipment required by the Services.

2. DRDO has already made significant contributions in the diverse disciplines of Defence Research & Development. Several items designed and developed by DRDO, after successful production, have already been introduced in Services. The brief resume of the major achievements of DRDO is given in the succeeding paragraphs.

Aeronautics

3. In the field of Aeronautics, a major programme on development of Light Combat Aircraft (LCA) is progressing as scheduled. A simulator for Kiran Aircraft has been handed over to Air Force. Ajeet Simulator will be handed over soon. 68 mm reusable rocket pod for firing 18 rockets from a combat aircraft, headup display system for navigation etc. are already in use with Services. Brake parachutes for High Speed Combat Aircraft are under Bulk Production at Ordnance Factories. Work is in progress on GTX engine, Pilotless Target Aircraft (PTA), GTX Engine for PTA and a variant of GTX for LCA.

Armament

4. Some of the weapon systems developed/being developed by DRDO include the new light weight Indian Small Arms System (INSAS) in 5.56 mm calibre, ammunition for battlefield illumination, proximity (VT), fuzes for Army and Naval guns, Indian Mountain

Gun, Indian Field Gun Mk-I, Light Field Gun, Cluster Weapon System, rockets, new generation bombs for current high speed Combat Aircraft of Air Force and new sea-mines for Navy. Several batches of Fin-Stabilised Armour Piercing Discarding Sabot (FSAPDS) jointly manufactured by DRDO and Director General, Ordnance Factories (DGO) have been handed over to Army. A factory designed totally within the country for manufacturing this ammunition is nearing completion.

Combat Vehicle

5. The prototypes of Main Battle Tank ARJUN developed by DRDO are undergoing R & D Technical trials. The Combat efficiency of Vijayanta is being improved through incorporation of high power engine, modern fire control system and FSAPDS ammunition. Bridge Layer Tank (BLT) has been accepted for introduction in Services. The prototypes of Half Tracked Vehicle have undergone various stages of user trials.

Electronics & Instrumentation

6. The first production model of low level radar called INDRA-I would be delivered by December 1988. Air Force version of same called INDRA-II has been accepted and would be produced at BEL. The field artillery radar has been completed and is undergoing user trials. An integrated electronic warfare system has been installed on board a Naval ship. Number of Electronic Counter Measure (ECM) and Electronic Counter-Counter Measure (ECCM) system have been developed. Several DRDO developed systems have already been productionised such as Battlefield Surveillance Radar, Computer Controlled Automatic Electronic Switch (AES) Time division Multiplex Electronic Exchange (TIDEX) a family of secrecy equipment, Identification of Friend or Foe

(IFF) equipment etc. Night vision devices worth Rs. 35.60 crores have already been delivered to the users. Some of the projects on which work is in progress, are Radio Trunk System, Digital Trunk Unit to improve the speech quality of Plan Area Communication network, Meteor burst communication, Image-processing, Satellite Communication and laser based systems.

Engineering

7. Some of the major development in this field, are an assault bridge capable of taking traffic upto tanks, boats for river crossing, bridge for use in hilly terrain, portable shelters and truck fire-fighting.

Materials

8. Special castings with intricate geometries were produced for DRDO's missile programme and for Indian Space Research Organisation's (ISRO) programme by a special technique. Magnesium castings for a critical requirement of Bhabha Atomic Research Centre (BARC) were also produced by this technique. Aircraft-grade titanium alloys have been produced. Magnesium is being produced as a by-product in the titanium by sponge plant set up in 1986. Brake pads for aircraft, developed by DRDO have been productionised at Hindustan Aeronautics Limited (HAL) to meet the requirements of Air Force.

Naval R & D

9. Achievements in this field include Advance Panoramic Sonar (APSOH), Hull Mounted Variable Depth Sonar (HUMVAD), Towed Torpedo decoy, sonobuoys, Triple Tube launchers Torpedo simulators, Submarine fired decoy, Machine Control Room (MCR) simulator, micro-processor based multi-channel online vibration monitoring

system and various antifouling and anti-corrosive paints for ships.

Missiles

10. An Integrated Guided Missile Develop-

ment Programme was undertaken in July 1983 to design, develop and lead to production the following Missiles required by Services:-

(a) PRITHVI	- Surface-to-surface Tactical Battle Field Missile System.
(b) TRISHUL & AKASH	- Surface-to-Air Missile Systems.
(c) NAG	- Third Generation Anti-Tanks Missile System.

Both Prithvi and Trishul Missiles have entered into flight test phase alongwith the ground system. Both these missiles will be inducted into Services in early 1990s. Akash and Nag missile systems are in the advanced stages of development tests.

Life Sciences

11. DRDO also undertakes extensive research on several aspects of human health encompassing areas such as physiology, bio-chemistry, nutrition, human engineering, psychology and food technology. As a result of these activities there have been significant beneficial fall-outs to the national sector from DRDO's activities in the field of life sciences.

Development of Pilotless Aircraft and Semi-Combustible Cartridge Cases

4451. SHRI CHINTAMANI JENA: Will the Minister of DEFENCE be pleased to state:

(a) the progress made in the project for developing a pilotless aircraft and the design and development of indigenous boosters for launching it by Defence Research and Development Organisation;

(b) whether the DRDO has achieved a major technological break-through in improving cartridge cases with the introduction of semi-combustible cartridge cases; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV) : (a) Most of the sub-systems of the Pilotless Target Aircraft (PTA) have been successfully developed indigenously by Defence Research and Development Organisation (DRDO) and a number of prototypes manufactured have undergone development flight trials. The booster for launching the PTA has also been indigenously developed and successfully flight tested in the prototype flight trials carried out so far.

(b) Yes, Sir.

(c) The normal cartridge cases for tank/artillery gun ammunition are very costly and heavy. The Semi-Combustible Cartridge Cases (SCCC) developed by DRDO has resulted in saving of brass, weight reduction, less concentration of obnoxious gases and reduction in buld of fired cases in the fighting compartment of the tank.

Restrictions on Indian Passport Holders to Visit Taiwan

4452. SHRIMATI N. P. JHANSI LAKSHMI: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether there is any restriction on Indian passport holders to visit Taiwan; and

(b) if so, is there any system to monitor whether any Indian passport holders visiting Taiwan?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH) : (a) No, Sir; except that holders of diplomatic and official passports are not permitted to visit Taiwan.

(b) Since ordinary Indian passports are valid for travel to all countries of the world., except South Africa, such monitoring is not possible.

Protection of Primitive Tribes from Naxalites

4453. SHRI HARIHAR SOREN: Will the Minister of WELFARE be pleased to state:

(a) whether Government are aware of the fact that the primitive tribes living in some States are feeling insecure due to growing Naxalities in those States;

(b) if so, the direction given to the concern State Governments to secure the lives and property of the primitive tribes; and

(c) the programmes proposed to be introduced by Government for the welfare of these primitive tribes?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) No such information

is available with the Government.

(b) Does not arise.

(c) Micro projects for identified primitive tribal groups are functioning in the country and programmes implemented under these projects include sectors like agriculture, horticulture, soil conservation, animal husbandry, drinking water, education, communication, health, housing, rehabilitation and cooperation, etc. for which special Central Assistance is provided. These programmes are proposed to be continued.

Persons Below the Poverty Line

4454. SHRI MATILAL HANSDA: SHRI ANANDA PATHAK: SHRI KALI PRASAD PANDEY:

Will the Minister of PLANNING be pleased to state:

(a) the number of persons in the country living below the poverty line; State-wise as on 31st January, 1988;

(b) the number of persons crossed the poverty line during the last three years; year-wise and State/Union Territory-wise.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI) : (a) The latest estimates of the persons living below poverty line are available for the year 1983-84 which are based on 28th round of National Sample Survey. According to these estimates 2710.0 lakh persons were below poverty line in the country in 1983-84. Statement showing state-wise number and percentage of persons below poverty line in 1983-84 is given below information regarding number of persons living below poverty line as on 31st January, 1988, are not available.

(b) The estimates of persons living below poverty line are based on National Sample Survey Organisation's Household Surveys on Consumer Expenditure. The last survey for which results are available was

conducted during 1983-84. As no survey on household consumer expenditure after 1983-84 has been conducted estimates of persons brought above poverty line for later years have not been made.

STATEMENT

Number of percentage of population below the poverty line by States Separately for rural and urban areas: 1983-84 (Provisional)

Sl. No.	States	Rural		Urban		Combined	
		Number (Lakhs)	%age	Number (Lakhs)	% age	Number (Lakhs)	% age
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Andhra Pradesh	164.4	38.7	40.7	29.5	205.1	36.4
2.	Assam	44.9	23.8	4.9	21.6	49.8	23.5
3.	Bihar	329.4	51.4	36.1	37.0	365.5	49.5
4.	Gujarat	67.7	27.6	19.9	17.3	87.6	24.3
5.	Haryana	16.2	15.2	5.5	16.9	21.7	15.6
6.	Himachal Pradesh	5.8	14.0	0.3	8.0	6.1	13.5
7.	Jammu & Kashmir	8.1	16.4	2.2	15.8	10.3	16.3
8.	Karnataka	102.9	37.5	34.7	29.2	137.6	35.0
9.	Kerala	55.9	26.1	15.6	30.1	71.5	26.8
10.	Madhya Pradesh	218.0	50.3	36.9	31.1	254.9	46.2

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
11.	Maharashtra	176.1	41.5	55.9	23.3	232.0	34.9
12.	Manipur	1.3	11.7	0.6	13.8	1.9	12.3
13.	Meghalaya	3.9	33.7	0.1	4.0	4.0	28.0
14.	Orissa	107.7	44.8	10.4	29.3	118.1	42.8
15.	Punjab	13.7	10.9	10.7	21.0	24.4	13.8
16.	Rajasthan	105.0	36.6	21.2	26.1	126.2	34.3
17.	Tamil Nadu	147.6	44.1	52.6	30.9	200.2	39.6
18.	Tripura	4.6	23.5	0.5	19.6	5.1	23.0
19.	Uttar Pradesh	440.0	46.5	90.6	40.3	530.6	45.3
20.	West Bengal	183.9	43.8	41.2	26.5	225.1	39.2
21.	Nagaland, Sikkim & All Union Territories	17.9	47.4	14.4	17.7	32.3	27.1
	All India	2215.0	40.4	495.0	28.1	2710.0	37.4

Note: 1) The above estimates are derived by using the poverty line of Rs. 49.09 per capita per month at 1973-74 prices corresponding to daily calories requirement of 2400 per person in rural areas and the poverty line of Rs. 56.64 per capita per month corresponding to calorie requirement of 2100 in urban areas.

- 2) For up-dating the poverty line for 1983-84, C.S.O. Private Consumption deflator has been used.
- 3) These results are based on the provisional and quick tabulation of the NSS on household consumer expenditure of 38th Round (Jan. 1983 to Dec. 1983)
- 4) The difference between the aggregate all India private consumption expenditure estimated by Central Statistical organisation in their National Accounts Statistics and that derived from the NSSO data has been prorata adjusted among the different States and Union Territories in the absence of any information to allocate this difference among the States and UTs.
- 5) The number of people below poverty line relates to the population as on 1st March, 1984.

Brown -Sugar Addicts

4455. SHRI PRAKASH CHANDRA:
 SHRI M. RAGHUMA REDDY:
 SHRI SUBHASH YADAV:
 SHRI DHARAM PAL SINGH
 MALIK:
 SHRI SITARAM J. GAVALI:

Will the Minister of WELFARE be pleased to state:

(a) whether Government's attention has been drawn to the news report appeared in the "Blitz" of 13 February, 1988 wherein it has been stated that seven lakh people have become brown-sugar addicts in India;

(b) whether it has also been stated that "a newspapers and telecampaigns have failed to reach the target and the majority of addicts are poor and illiterate:

(c) if so, the details thereof;

(d) whether any preventive measures have been taken to eradicate this evil from the country by Government; and

(e) if so, the details?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) to (c). Yes, Sir. A view has been expressed regarding the inability of television campaigns to reach the poorer segments of society living below the poverty line.

(d) and (e). The containment of drug addiction requires an integrated approach involving programmes of controlling supply and reducing the demand for drugs. Besides, an effective enforcement of the Narcotic Drugs and Psychotropic Substances Act., comprehensive programmes for treatment, rehabilitation, prevention, educative publicity etc. have been taken up both

through government and voluntary organisations. The public awareness is sought to be built up by means other than newspapers and telecampaigns. These include meetings, seminars, street plays, poster and essay competitions holding camps, training of various functionaries etc.

Production Facilities for Electronic Goods by European Manufacturers

4456. SHRI BASUDEB ACHARIA:
 SHRI AMAL DATTA:

Will the PRIME MINISTER be pleased to state:

(a) whether the attention of Government has been drawn to the news item appearing in the 'Economic Times' dated 23 December, 1987 regarding European companies interested in Indian electronic scene; and

(b) if so, the details thereof and the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENT OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN): (a) Yes, Sir.

(b) No specific proposal for shifting production facilities for Electronic goods and components to India by European companies has been received. However, several foreign collaboration proposals have been approved in the field of Electronic Components with European Companies.

Targets for Software

4457. SHRI MULLAPALLY RAMACHANDRAN: Will the PRIME MINISTER be pleased to state:

(a) the production target and export target for software during 1986-87 and the percentage met during the said year;

(b) whether the electronics industry has met the proportionate target for export for the current year;

(c) the details of the manufacturing units in the public sector, joint sector and private sector set up by Union Government in the Seventh Five Year Plan; and

(d) the total allocation made under the Plan for the component sector and the total amount already invested and broad details of utilisation?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, ELECTRONICS, OCEAN DEVELOPMENT AND SPACE (SHRI K.R. NARAYANAN) :
(a) The target set for software for exports and the achievements thereof are as given below:

	1986-87
Target	Rs. 40 crores
Achievements	Rs. 55 crores
Percentage met	137.5%

The production targets other than for exports for the period 1986-87 were not fixed, since the computer software has been produced by, in addition to the commercial organisations, non-commercial organisations also viz. Government Departments; Educational and Research Institutions and individuals.

(b) Electronics export has gone up from Rs. 240 crores in 1986 to Rs. 312 crores during 1987.

(c) Department of Electronics has not set up any Public Sector or Joint Sector Unit during Seventh Five-Year Plan.

(d) For Seventh Five-Year Plan, a allocation of Rs. 45 crores was made for semiconductor Complex Limited to manufacture LSI devices. In addition, a token sum of Rs. 1 crores was approved for R& D in Power Semiconductor Devices and for initiating an Electronic Component Development Fund. A sum of Rs. 25.83 crore has already been spent and Rs. 11 crore is likely to be spent in 1987-88.

Reports About CIA Agents In Darjeeling

4458. SHRI HAROOBHAI MEHTA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware of the reports about involvement or presence of CIA agents in occurrences at Darjeeling in the context of Gorkhaland Movement

(b) whether any person arrested is found to have close links with C.I.A. outfit in Nepal; and

(c) the steps taken by Government to locate CIA involvement, if any, in occurrences at Darjeeling and to take steps to curb such activities?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM) : (a) There is no specific evidence about involvement of CIA in the on-going GNLF movement in the Darjeeling District of West Bengal.

(b) There is no information about the arrest of any person in Darjeeling having close links with CIA outfit in Nepal.

(c) Strict vigil is being maintained to detect and thwart any possible design of foreign intelligence agencies including CIA to foment trouble in the Darjeeling district in the contest of GNLF movement.

Seminar on Adoption of Children

4459. SHRI H.N.NANJE GOWDA:
SHRI SHARAD DIGHE:
SHRI PRAKASH CHANDRA:
SHRI M.RAGHUMA REDDY:

Will the Minister of WELFARE be pleased to state:

(a) whether a three day international seminar on adoption organised by the Indian Council for Child Welfare (ICCW) was inaugurated in the Capital in February, 1988;

(b) the number of participants of different countries who attended the seminar;

(c) the main points discussed during the seminar;

(d) whether suggestions were forwarded to Government for its approval; and

(e) if so, the action Government are taking on these points?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON) : (a) Yes, Sir.

(b) According to the information received from the Indian Council for Child Welfare, there were 172 participants in the seminar, including Indian and foreign participants.

(c) The seminar discussed various aspects of adoption and foster care such as social, psychological and economic factors, adoption procedures, monitoring adoption, training of functionaries etc.

(d) and (e). Since the seminar was not organised by Government the question of sending its minutes for Government's approval does not arise.

Theft and Dacoity in Railways

4460. SHRI JITENDRA PRASADA:
SHRI V. TULSIRAM:
SHRI C.K.KUPPUSWAMY:
CHAUDHARY RAM PRAKASH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total value of property of travelling public lost due to theft and dacoity in the railway during 1987-88; and

(b) the action taken against the elements involved in such crimes?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) and (b). Cases of crime on Railways are reported to, registered and investigated by the Government Railway Police, which functions under the control of the State Government concerned. The information regarding value of property of travelling public lost due to theft and dacoity in the Railways and action taken against the elements involved in such crimes is not compiled by the central agencies.

Incident of Fire In Connaught Place

4461. SHRI SANAT KUMAR MANDAL:
Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a fire broke out in a fast food shop and spread to at least five other shops in Connaught Place, New Delhi on the night of 2 March, 1988;

(b) If so, whether any investigation had been ordered into this incident and the outcome thereof; and

(c) the preventive measures taken to check such outbreak of fires in prestigious trading centre like the Connaught Place in the Capital?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) Yes, Sir.

(b) No inquiry has been ordered into the incident.

(c) Fire protection measures are advised by the Delhi Fire Service on the request of licencing Department of N.D.M.C.

Sealing of Indo-Bangla Border in Tripura

4462. SHRI AJOY BISWAS: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government of Tripura requested Union Government to seal the vulnerable Tripura-Bangladesh border; and

(b) if so, the action taken by Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) and (b). The former Government of Tripura were making requests for additional forces for deployment with the State Government as well as for increasing vigilance on Tripura-Bangladesh border. The Central Government did indeed provide

maximum possible assistance by way of deployment of para-military forces in Tripura both for the State Government as well as for the border. In addition, the entire State of Tripura was declared as disturbed area in the last week of January, 1988 and the Army was deployed there for countering the menace of increasing insurgency. All the BSF Bns. deployed on Tripura-Bangladesh border as well as some Assam Rifles Bns. were placed under the operational control of the Army to assist them in countering insurgency.

Cases Registered under official secrets act

4463. SHRI RAM BAHADUR SINGH: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a case under Official Secrets Act has been registered against a Lt. General (Retd.) recently on the basis of search conducted by Central Bureau of Investigation on 5 January, 1988;

(b) if so, the details of the charges levelled against him;

(c) whether it is a fact that several such cases were registered against army officials under Official Secrets Act in 1983; and

(d) if so, the details of cases registered since November, 1983 under Official Secrets Act against army officials and the outcome thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) and (b). Yes, Sir. A case under section 120-B IPC read with section 3/5 of

the Official Secrets Act, 1923 has been registered Lt. Genl. (retd.) Nirmal Puri and Mr. Vinod Khanna, Chairman of M/s Concord International (P) Ltd.

(c) and (d). In a case under sections 3, 5 and 9 of the Official Secrets Act and section 120-B IPC registered at PS Tughlak Road, New Delhi on 10th November 1983, four persons including Major General (Retd.) F.D. Larkins and Lt. Col. (Retd.) Jasbir Singh were prosecuted. All the accused have been convicted to various terms of imprisonment. Since 1983, 4 serving and 10 retired army officials have been charged under Official Secrets Act.

Scrapping of Projects

4465. SHRI S.B. SIDNAL:
SHRI JITENDRA PRASADA:

Will the Minister of PLANNING be pleased to state:

(a) whether Government have noticed that it would be far more economical to scrap some of the projects;

(b) if so, the projects that are likely to be scrapped; and

(c) the main reasons for the same?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) to (c). Projects are taken up on socio-economic and techno-economic considerations and their continuance is also generally governed by these factors. In the absence of reference to any specific sector in the Question, it is regretted, it is not possible to furnish any details in this behalf.

Unauthorised entry of Migrants

4466. SHRI BHADRESHWAR TANTI:
SHRI GURUDAS KAMAT:
DR. CHANDRA SHEKHAR TRIPATHI:
CHAUDHARY RAM PARKASH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been any unauthorised entry of migrants from Bangladesh or any other country in the last one year;

(b) if so, the details thereof; and

(c) the measures taken for checking the infiltration and for identification and the return of migrants who have crossed the Indian border?

THE MINISTER OF STATE IN THE MINISTRY OF STATE IN THE MINISTRY OF HOME AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES PENSIONS (SHRI P. CHIDAMBARAM): (a) and (b). While Government are aware of some infiltration taking place through Indo-Bangladesh and Indo-Pakistan borders due to socio-economic and historical reasons, they have no information about large scale influx of foreigners into the country so as to cause any great concern.

(c) For plugging loopholes and for strengthening vigilance at the border, the Government of India have sanctioned 54 additional Bns. of BSF for Indo-Bangladesh and Indo-Pakistan borders to be raised in a period of 5 years starting from 1986-87. The Government of India have also sanctioned staff for the Government of Assam, Tripura, Meghalaya and West Bengal under the

Prevention of Infiltration of Foreigners Schemes for apprehending and deporting infiltrators who manage to evade the vigilance of the BSF at the border and enter the country. The pay and allowances of the personnel of the posts sanctioned are initially incurred by the State Government concerned which are later on reimbursed by the Government of India, standing instructions are also available with all the State Governments/UT Administrations to appre-

hend Bangladeshi infiltrators who remain within their State/UT and hand them over to IG, BSF Calcutta in batches for being pushed back into Bangladesh, Information about infiltrators apprehended both on Indo-Pakistan and Indo-Bangladesh borders, persons pushed back and number of persons handed over to State Police for taking necessary action under the law during the year 1987 is furnished in the Statement below.

STATEMENT

Infiltrators apprehended at the border, pushed back and handed over to State office during the year 1987

<i>Border State</i>	<i>Apprehended at the border</i>	<i>pushed back</i>	<i>Handed over to State Police</i>
1	2	3	4
1. J & K	67	3	64
2. Punjab	2418	2004	414
3. Rajasthan	1434	1098	336
4. Gujarat	20	2	18
5. Assam	177	118	59
6. Meghalaya	98	58	40
7. Tripura	3104	2742	362
8. West Bengal	25104	24123	981
9. Mizoram	28	—	28

Imparting of Training of Chinese personnel in Nuclear and Chemical warfare by.
USA

4467. SHRI MOHD. MAHFOOZ ALI KHAN: Will the Minister of EXTERNAL

AFFAIRS be pleased to state:

(a) whether Government are aware of the press reports stating that Chinese personnel are getting training in the United States of America in the dangerous tactics of

nuclear, biological and chemical warfare system; and

(b) if so, the reaction of Government in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) Yes, Sir.

(b) It is Government's policy to keep under constant review all developments having a bearing on India's security and to take such steps as are necessary to meet India's security needs.

Induction of high Technical Planes in the Navy

4468. SHRI S.M. GURADDI:
SHRI G.S. BASAVARAJU:

Will the Minister of DEFENCE be pleased to state:

(a) whether high technical planes are being inducted in the Navy to booster the aviation strength in India;

(b) if so, whether any long term plans have been prepared in this regard;

(c) if so, the details thereof; and

(d) to what extent the Indian Navy has been modernised and made fit to meet any threat posed by the high powers?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) to (d). Perspective plans have been prepared for the all round balanced growth of the Navy. All developments having a bearing on our security are constantly monitored and steps taken to ensure full defence preparedness at all times. Further details cannot be disclosed in the interest of national security.

Irradiation of Sea food and Spices

4469. SHRIMATI BASAVARAJES-WARI: Will the PRIME MINISTER be pleased to state:

(a) whether the Union Government have permitted the Atomic Energy Commission to use irradiation for sterilising sea food and spices meant for export;

(b) if so, by what time the Atomic Energy Commission is likely to start its irradiation;

(c) the main features thereof; and

(d) to what extent it will be beneficial to our country?

THE MINISTER OF STATE IN THE MINISTRY OF AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF ATOMIC ENERGY, SPACE, ELECTRONICS AND OCEAN DEVELOPMENT (SHRI K.R. NARAYANAN): (a) Permission to use irradiation for sterilizing sea food and spices meant for export will be given to applicant licences after the Atomic Energy (Control of Irradiation of Food) Rules 1988 are notified.

(b) As soon as the Rules are notified.

(c) Apart from the Rules, "Code of Practice for the Operation of Irradiation Facilities" alongwith the "General Standard of Irradiation of Foods" are being finalised

(d) By selective destruction of spoilage bacteria, moderate doses (200 Kilorads) of radiation can extend the acceptability and, in turn, marketability of iced fish. This is the only method for removal of pathogens from prepacked frozen product. Single treatment of Gamma radiation can make species free of insect infestation and microbial contamination, without the loss of flavour components. The treatment can also be used for

prepacked ground spices and curry powders.

Proposal to set up a Bench of central Administrative Tribunal at Nagpur

4470. SHRI BANWARI LAL PUROHIT: Will the PRIME MINISTER be pleased to state:

(a) whether in view of the difficulties faced by the Central Government employees at Nagpur, Government propose to set up a permanent or a circuit bench of the Central Administrative Tribunal at Nagpur, and

(b) if so, when?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) Yes, Sir.

(b) Circuit sittings are arranged by the Central Administrative Tribunal depending upon the work-load. The New Bombay Bench of the Central Administrative Tribunal has already held a few Circuit Sittings at Nagpur.

Activities in new Gurudwaras of Punjab

4471. SHRI R.M. BHOYE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have received reports that orders to terrorists are sent from some new Gurudwaras in Amritsar and Gurdaspur;

(b) whether new Gurudwaras are being constructed in the memory of terrorists killed; and

(c) if so, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) to (c). According to the information furnished by the Government of Punjab the terrorists and criminals are taking shelter in religious places in the State and utilising them as headquarters. A few Gurudwaras are reportedly being constructed in the memory of terrorists. The authorities are keeping a close watch on these places and all out efforts are being made to check anti-national and undesirable activities

Barbed-Wire Fencing along Tripura Bangladesh Border

4472. SHRI AJOY BISWAS: Will the Minister of HOME AFFAIRS be pleased to state the progress made so far regarding erection of barbed-wire fencing and observation towers on the Tripura-Bangladesh border?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): In phase I, the work of survey for construction of road along the Bangladesh border adjoining the State of Tripura has been taken up. 3 additional observation post towers are presently under construction and another 182 will be constructed during the next three years.

Appointment of Malayalam knowing Officials in Indian Missions in Gulf

4473. SHRI MULLAPPALLY RAMACHANDRAN:
SHRI T. BASHEER:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government have received a suggestion to appoint Malayalam knowing officials in Indian Missions in the Gulf countries;

(b) if so, the details thereof; and

(c) the other measures proposed by Government to provide better facilities to the large number of Malayalees in the Gulf countries?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) Yes, Sir.

(b) The suggestion relates to posting of Malayalam knowing officers at Senior and middle level in the Indian Embassies in the Gulf countries.

(c) Government has a well established policy of deciding foreign postings on functional considerations. In accordance with this policy there are several Malayalam knowing officers available at various levels in Indian Missions in the Gulf countries.

Re-Equipment drive in Indian Air Force

4474. SHRI S.M. GURADDI:
SHRI G.S. BASAVARAJU:

Will the Minister of DEFENCE be pleased to state:

(a) whether Indian Air Force is considering re-equipment drive with aircrafts purchased from both East and West replacing many of its ageing combat and transport types;

(b) the latest types of aircraft inducted;

(c) whether the old type of combat and transport aeroplanes have been replaced; and

(d) to what extent the latest acquisitions have strengthened the Indian Air Force?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SON-TOSH MOHAN DEV): (a) and (c). Re-equipment by replacing outdated combat and transport aircraft is an on-going process in the Indian Air Force. The re-equipment programme, by replacing older aircraft with modern aircraft, is undertaken when the need arises.

(b) and (d). Mirage-2000, Mig-29, IL-76, Dornier, and Mi-26 are some of the modern aircraft inducted in recent years. These have strengthened the operational capability of the Air Force.

Reservation of seats for SCs/STs in civil service Examinations

4475. SHRI RAM BHAGAT PASWAN:
Will the PRIME MINISTER be pleased to state:

(a) the number of seats reserved for Scheduled Castes and Scheduled Tribes respectively for Indian Administrative Services, Indian Police Services, Indian Forest Services and each of the All India Central Services for which Civil Service Examination were conducted during the last three years in each service;

(b) the number of posts filled against reserved quota on the basis of Civil Service Examination conducted during the above period in each service;

(c) the present backlog of reserved seats for Scheduled Castes and Scheduled Tribes in each of the above services; and

(d) the steps taken to fill the reserved posts?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): (a) and (b). The number of vacancies reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes in each of the Services, recruitment to which was made through the Civil Services Examinations and the Indian Forest Service Examinations held in 1983, 1984 and 1985 and the number of such candidates allocated to the various services on the basis of these examinations are given in the Statement below.

(c) There was no shortage of candidates belonging to the Scheduled Castes

and the Scheduled Tribes for appointment against the reserved vacancies.

(d) In order to attract more Scheduled Castes/Scheduled Tribes candidates to fill the reserved vacancies, various concessions such as relaxation in upper age limit, relaxation in number of chances and exemption from payment of fee are allowed. Assistance to take the examination is also rendered to these candidates through the Pre-Recruitment Coaching Centres. Relaxed standards are applied in the written examination if sufficient numbers of these candidates are not available for the Personality Test. These candidates are interviewed separately so that they are not judged on the rigid standards applied to the general category candidates.

STATEMENT

Number of vacancies reserved for candidates belonging to the Scheduled Castes/Scheduled Tribes in the Services to which recruitment is made through the Civil Services Examination, the Indian Forest Service Examination and the number of such candidates allocated to the various Services on the basis of the said Examinations

Name of the Service	Scheduled Caste						Scheduled Tribes					
	Vacancies reserved			No. of candidates allocated			Vacancies reserved			No. of candidates allocated		
	1983	1984	1985	1983	1984	1985	1983	1984	1985	1983	1984	1985
	Exam	Exam	Exam	Exam	Exam	Exam	Exam	Exam	Exam	Exam	Exam	Exam
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Indian Admn. Service	21	24	21	21	24	21	12	12	10	12	12	10
2. Indian Foreign Service	2	2	2	2	2	2	1	1	1	1	1	1
3. Indian Police Service	14	17	17	14	17	17	8	9	9	8	9	9
4. Indian Forest Service	23	26	26	23	26	26	11	13	13	11	13	13
5. P & T Fin. & Accts. Service	-	2	-	-	2	-	1	-	1	1	-	1

	1	2	3	4	5	6	7	8	9	10	11	12	13
6. Ind. Audit & Accts. Service	5	3	4	4	5	3	4	2	2	2	2	2	2
7. Indian Customs & Central Excise Service	7	6	6	6	7	6	6	4	4	3	4	4	3
8. Indian Defence Accts Service	1	3	2	2	1	3	2	1	1	1	1	1	1
9. Indian Income Tax Service	15	15	12	12	15	15	12	8	8	6	8	8	6
10. Indian Ordnance Factories Service	2	1	5	5	2	1	5	1	1	2	1	1	2
11. Indian Postal Service	3	4	2	2	3	4	2	2	1	1	2	1	1
12. Indian Civil Accounts Service	2	1	2	2	2	1	2	1	1	1	1	1	1
13. Indian Railway Traffic Service	7	8	7	7	7	8	7	2	5	4	2	5	4
14. Indian Railway Account Service	3	5	4	4	3	5	4	3	3	5	3	3	5

	1	2	3	4	5	6	7	8	9	10	11	12	13
25. Delhi andaman & Nicobar Islands Civil, Service	4	4	4	3	4	4	3	2	2	1	2	2	1
26. Pondicherry Civil Service	1	1	1	-	1	1	-	-	-	-	-	-	-
27. Gao, Daman & Diu Civil Service	2	-	-	-	2	-	-	1	1	-	1	1	-
28. Delhi and Andaman Nicobar Islands Police Service	2	2	2	1	2	2	1	1	1	-	1	1	-
29. Pondicherry Police Service	1	-	-	-	1	-	-	-	-	-	-	-	-
30. Gao, Daman & Diu Police Service	-	-	-	-	-	-	-	1	-	-	1	-	-
31. Assistant Commandant in Central Industrial Security Service	1	1	1	6	1	1	6	1	-	3	1	-	3

Reconstruction of Boundary Pillars on Indo-Pak Border

4476. SHRI H.N. NANJE GOWDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government would reconstruct forty boundary pillars on the Indo-Pak Border in the Western sector; and

(b) if so, the details of decision taken regarding maintenance and repair of these pillars?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, GRIVANCES AND PENSIONS (SHRI P. CHIDAMBARAM): (a) and (b). As agreed to during the bi-annual meeting held between the BSF and Pakistan Rangers on 17.12. 1987 at Wagha, reconstruction of 40 boundary pillars by India is in progress.

Education of Scheduled Castes

4477. SHRI VIRDHI CHANDER JAIN: Will the Minister of WELFARE be pleased to state:

(a) whether Scheduled Castes viz. Sweeper class is much backward in education in comparison to other classes of Scheduled Castes in India; and

(b) if so, the special steps taken or proposed to be taken to expand or improve their educational qualifications?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) The educational backwardness of sweepers among Scheduled Castes varies from State to State. In some States their educational levels are lower than other Scheduled Castes commu-

nities, but in some other States they are slightly higher.

(b) The following Centrally Sponsored Schemes have been taken up for educational development of persons engaged in unclean occupation including sweepers:

(i) Pre-matric Schoiarships for the children of those engaged in unclean occupations which have traditional link with scavenging, flayers and tanners.

(ii) Opening of residential primary schools for sweepers children under 'Aid to Voluntary Organisations'.

(iii) Liberation of scavengers.

In addition to the above schemes, 10% of the Special Central Assistance to Special Component Plan for SC is earmarked for vulnerable groups like scavengers, bonded labourers and denotified communities. Besides the above schemes, some of the State Government) have also taken up special programmes for the educational development of sweepers.

Activities of Foreign Missionaries and Individuals in Baliapal Area

4478. SHRI MUKUL WASNIK:
SHRI JAGANNATH PATNAIK:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether certain foreign nationals holding tourists visa are active in National Test Range area in Baliapal in Balasore district in Orissa;

(b) if so, the details thereof; and

(c) the steps taken to check movement

of foreign nationals in the area?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION (SHRI P. CHIDAMBARAM): (a) to (c). Two F.R.G. nationals have come to the notice of the Government for having entered Baliapal in the Balasore district of Orissa. One of them was found overstaying and accordingly action under the Foreigners Act has been taken. As of now, no Defence installation/equipment exist in the area and it is not a restricted area.

**Resettlement of Indians on Return from
Gulf Countries**

4479. SHRI VAKKOM PU-

RUSHOTHAMAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Indians working in the Gulf countries have appealed to Government that help should be given for their resettlement on return to India after completion of the term of their contract in the Gulf countries; and

(b) if so, the response of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K. NATWAR SINGH): (a) No, Sir.

(b) Does not arise.

STATEMENT

Statement Indicating Beneficiaries Assisted Under IRDP During 1985-86, 86-87, 87-88 (till December)

Name of State/UT	1985-86		1986-87		1987-88	
	Target	Achievement	Target	Achievement	Target	Achievement (Dec. 87)
1	2	3	4	5	6	7
Andhra Pradesh	144000	180115	241500	2,56944	273909	187695
Arunachal Pradesh	7500	11358	16600	13702	18860	2476
Assam	61000	51843	70500	68019	81256	37424
Bihar	310000	421135	460000	535155	536427	436230
Goa	4000	7052	9300	9050	5210	3676
Gujarat	94000	101275	122500	147527	147421	102949
Haryana	28000	48496	54000	50420	49438	30805
Himachal Pradesh	31000	33574	31100	36955	27930	23848
Jammu & Kashmir	33000	41327	38500	26718	37745	17159
Karnataka	105000	148794	145500	145275	161239	77509

1	2	3	4	5	6	7
Kerala	86000	71376	128500	143399	115419	69342
Madhya Pradesh	222000	249591	335000	363582	384078	261278
Maharashtra	150000	190174	220000	238118	276970	159522
Manipur	6000	7487	8800	13673	7741	4723
Meghalaya	8000	7129	8800	11970	9718	1116
Mizoram	3900	2623	12100	8438	7368	2783
Nagaland	5500	7525	13500	4318	10720	3008
Orissa	114400	173427	234000	207872	208680	131098
Punjab	39000	64612	91500	99935	55158	50565
Rajasthan	83000	140503	155900	164472	100062	118175
Sikkim	847	2185	3700	2728	2017	1406
Tamil Nadu	186000	209696	246500	258823	269380	182098
Tripura	10000	14148	15000	15779	10662	13677

1	2	3	4	5	6	7
Uttar Pradesh	543000	580802	632000	666479	766063	491030
West Bengal	190000	287052	189500	243921	239674	164319
A & N Islands	737	742	1800	2303	1640	1256
Chandigarh	100	116	2500	120	60	12
D & N Haveli	600	677	1000	1080	445	316
Delhi	1293	2146	5100	4380	3038	1295
Daman & Diu	—	-	Included with Goa—		1042	405
Lakshadweep	600	554	1300	444	900	220
Pondicherry	2202	3142	4000	5675	2280	1045

* Physical achievements for 85-86 and 86-87 is respect of Daman & Diu included in Goa

New Station for Antarctica

4481. SHRIMATI USHA CHOUDHARY: Will the PRIME MINISTER be pleased to state:

(a) whether Government propose to set up a new station for Antarctica;

(b) if so, the details thereof; and

(c) when it will be set up?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) to (c). Yes, Sir. A second permanently manned scientific station is proposed to be set up in Antarctica during the course of the Eighth Indian Scientific Expedition in December-February 1988-89. This station is being set up in an ice-free land area at a distance of about 80 kilometres away from our present permanent station "Dakshin Gangotri". The task of fabrication of this new station which will have all the living, working and laboratory facilities has been entrusted to the Defence Research and Development Organisation (DRDO).

Study of Governmental Programmes

4482. PROF. P.J. KURIEN: Will the Minister of PLANNING be pleased to state:

(a) whether the Planning Commission has undertaken any study of Governmental Programmes which have doubtful economic and social merit;

(b) if so, the details thereof; and

(c) the details of steps being taken to wind up such programmes?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) No, sir.

(b) and (c). Do not arise.

De-Addiction-Cum-Rehabilitation Drive

4483. SHRI VAKKOM PURUSHOTHAMAN: Will the Minister of WELFARE be pleased to state:

(a) whether Government have launched a de-addiction-cum-rehabilitation drive for the victims of drug abuse;

(b) if so, the details thereof; and

(c) the number of persons who have been rehabilitated so far State-wise?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) to (c). The Ministry of Welfare is assisting financially a number of voluntary organisations to undertake programmes, for activities such as, treatment, counselling and guidance, awareness building and preventive education to combat the problem of drug addiction. Seven deaddiction centres for treatment and 28 counselling centres for motivation for treatment, follow-up and reintegration into society have been sanctioned to a number of voluntary organisations in various parts of the country, in which, according to reports received so far nearly 3000 persons have been benefitted since April '86.

Economic Assistance to Tribals

4484. SHRI VAKKOM PURUSHOTHAMAN: Will the Minister of WELFARE be pleased to state:

(a) the Seventh Plan target for eco-

nomic assistance to tribal families;

(b) whether a mid-term appraisal of the plan target has been made;

(c) if so, the progress made towards achieving the plan target; and

(d) the programmes undertaken by Government for the upliftment of tribals under the Seventh Plan Scheme?

THE DEPUTY MINISTER IN THE MINISTRY OF WELFARE (SHRIMATI SUMATI ORAON): (a) Forty lakh tribal families.

(b) Yes, Sir.

(c) Tribal families numbering 27.98 lakh have been economically assisted till the end of February, 1988.

(d) The programmes for tribal development cover various sectors of development. Among them, the family-oriented economic programmes have been undertaken mainly in sectors, such as, agriculture, horticulture, rural development, minor irrigation, animal husbandry, fisheries, sericulture, forestry, cottage industries, etc.

Outlay for Homoeopathy

4485. SHRI PRAKASH CHANDRA: Will the Minister of PLANNING be pleased to state:

(a) the annual capital outlay and actual expenditure for homoeopathy in the States and Union Government level;

(b) whether these allocations would be enhanced in the view of the acceptability of masses for homoeopathic medicines; and

(c) if so, by when and if not, the reaction of Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) The requisite information available with the Health & Family Welfare Division of the Planning Commission is given in the statement below. The information regarding the outlay and expenditure of States are given under the Health of ISM & Homoeopathy. However, the outlays and expenditure are given for Homoeopathy under Central Sector, during Seventh Five Year Plan.

(b) and (c). The matter is being reviewed every year in Annual Plan discussions and adequate allocations are made under the head "Indian Systems of Medicine & Homeopathy", by keeping in view the problems, needs and resource constraints of the States/Central Govt. Wherever the demand for Homoeopathy is made by the masses State Govt. take appropriate measures to enhance the outlays.

STATEMENT

I.S.M. & Homeopathy : Outlay & Expenditure

(Rs. lakhs)

Sl. No.	States	7th plan (1985-90) Approved Outlay	1985-86		1986-87		1987-88		1988-89	
			Outlay	Actual Expenditure	Outlay	Actual Expenditure	Outlay	Anticipated Expdr.	Outlay	
1	2	3	4	5	6	7	8	9	10	
1.	Andhra Pradesh	1000.00	121.00	42.36	220.00	166.60	220.00	220.00	250.00	
2.	Arunachal Pradesh	25.00	5.00	-	5.00	3.00	8.00	8.00	8.00	
3.	Assam	146.40	23.70	25.41	30.00	50.90	73.00	73.00	73.00	
4.	Bihar	346.00	50.00	42.31	80.00	71.37	100.00	100.00	100.00	
5.	Goa	-	-	-	0.25	-	0.09	0.09	0.50	
6.	Gujarat	300.00	35.00	30.10	30.00	53.83	50.00	50.00	50.00	
7.	Haryana	300.00	55.00	25.95	25.00	10.53	30.00	30.00	30.00	
8.	Himachal Pradesh	250.00	40.00	40.50	70.00	60.00	71.00	71.50	70.00	

1	2	3	4	5	6	7	8	9	10
9.	Jammu & Kashmir	57.67	9.84	7.70	12.00	9.97	9.21	9.86	8.00
10.	Karnataka	340.00	52.79	19.79	55.00	26.81	65.00	65.00	65.00
11.	Kerala	732.00	188.50	140.02	100.00	120.83	186.00	197.25	175.00
12.	Madhya Pradesh	800.00	122.36	97.10	125.00	130.00	182.00	140.00	200.00
13.	Maharashtra	250.00	36.00	19.83	35.00	15.61	69.77	58.37	64.60
14.	Manipur	5.69	1.00	0.34	1.25	0.54	2.60	2.60	2.21
15.	Meghalaya	5.00	0.75	-	1.00	0.16	1.00	1.00	1.00
16.	Mizoram	15.00	2.00	2.00	2.00	2.00	0.20	0.20	0.20
17.	Nagaland	10.00	1.00	-	1.00	-	0.50	0.50	0.50
18.	Orissa	319.00	99.93	90.82	60.00	107.87	130.11	130.11	115.00
19.	Punjab	211.00	30.00	17.03	40.00	25.96	52.90	52.90	50.00
20.	Rajasthan	500.00	180.00	114.66	NA	183.05	239.00	239.00	267.00
21.	Sikkim	10.00	2.50	1.00	1.50	1.19	2.50	2.50	2.00
22.	Tamil Nadu	600.00	176.98	249.87	125.00	165.95	209.39	194.58	150.00

	1	2	3	4	5	6	7	8	9	10
23. Tripura			100.00	12.00	1.79	2.00	2.70	14.00	14.00	15.00
24. Uttar Pradesh			2110.00	375.66	81.43	300.00	127.83	503.70	503.70	711.00
25. West Bengal			N.A	240.00	240.00	200.00	47.00	150.00	53.00	100.00
Total :			8432.76	1852.01	1290.09	1521.00	1363.70	2369.97	2217.16	2508.01

Union Territories

1. Andaman & Nicobar Islands				-	-	-	-	-	-	-
2. Chandigarh				-	-	-	-	-	-	-
3. Dadra & Nagar Haveli			5.60	0.65	0.78	1.00	0.68	1.45	1.69	1.75
4. Daman & Diu				-	-	-	-	-	-	-
5. Delhi			470.00	67.25	37.01	125.00	105.00	88.00	81.55	74.00
6. Lakshadweep			8.70	3.00	3.00	NA	3.14	0.65	0.65	2.00
7. Pondicherry			30.00	3.85	3.54	3.00	10.00	5.00	6.00	4.10
Total: UTs			514.30	74.75	44.33	129.00	118.82	95.10	89.89	81.85
Grand Total: (All States & UTs)			8947.06	1928.76	1334.42	1650.00	1482.52	2465.07	2307.05	2589.86

1	2	3	4	5	6	7	8	9
<i>Central Sector: Outlay & Expenditure-Homeopathy</i>								
Schemes								
Central Council of Homeopathy, N. Delhi	20.00	10.00	4.97	6.00	1.00	4.00	5.41	3.00
Central Council for Res. in Homeopathy, New Delhi	300.00	55.00	20.79	50.00	64.88	70.00	70.00	70.00
Homeopathic Pharmacopocia Labo. Ghaziabad	105.00	10.00	2.23	16.22	5.66	51.00	40.00	35.00
National Instt. of Homeopathy, Calcutta	400.00	30.00	27.40	59.00	14.50	60.00	25.00	50.00
Total:	825.00	105.00	55.39	131.22	86.04	185.00	140.41	158.00

Shortfall in Domestic Savings

4486. SHRI S.B. SIDNAL:
SHRI G.S. BASAVARAJU:

Will the Minister of PLANNING be pleased to state:

(a) whether the resources crunch caused by the shortfall in domestic saving is pushing the financing of the Seventh Five Year Plan towards greater dependence on foreign sources;

(b) if so, whether mid-term appraisal of the Seventh Five Year Plan made by the Planning Commission has shown that the inflation of capital from abroad will now constitute 1.9 per cent for the Seventh Five Year Plan Period target of 1.6 per cent; and

(c) the remedial steps taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): (a) To some extent, the Shortfall in domestic savings is likely to be made good by enlarged inflow of capital from abroad.

(b) The net inflow of capital from abroad is likely to average around 1.8 per cent of GDP as against the plan target of 1.6 per cent.

(c) The remedial steps taken in this regard consist of a two fold strategy. On the one hand efforts are made to enhance the availability of domestic resources through internal resource mobilisation and economy in expenditure. On the other hand efforts are being made to contain the deficit in balance of payments through a set of measures aimed at encouraging exports and curbing imports. The measures taken to raise the

growth in exports include direct tax concessions to exporters, duty free (or low duty) import of capital goods for "industries and a higher permissible debt-equity ratio for them extension of the international Price Reimbursement Scheme to a larger number of materials, retention of exchange earnings for market development purposes, lowering of preferential interest on credit to exporters and extension of pre-shipment credit to 180 days and removal of 25 per cent ceiling on sales to the domestic tariff area by Free Trade Zone Units, and the Export Oriented Units for supply against valid import licences.

The demand for imports is being held in check through stricter fiscal, monetary and credit policies designed to keep down the growth of gross domestic expenditure and aggregate demand.

[Translation]

Cost Escalation of Public Sector Projects

4487. SHRI VIRDHI CHANDER JAIN:
Will the Minister of PROGRAMME IMPLEMENTATION be pleased to state:

(a) the details of the Central projects costing more than Rs. 100 crores;

(b) out of these projects, which projects are running behind the schedule and which are running on schedule;

(c) the extent to which original cost of the aforesaid projects has escalated due to their running behind the schedule, project-wise details;

(d) the measures being taken by Government to expedite completion of these projects;

(e) the extent to which Government

have achieved success as a result of these measures; and

(f) the persons held responsible for the projects running behind the schedule and the action taken against them?

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND THE MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIRENSINGH ENGTI): (a) to (c). The details of Central Projects each costing over Rs. 100 crores in the monitoring system of Ministry of Programme Implementation with names of projects on schedule and those behind schedule and percentage of cost over-run of delayed projects as on 1.1.1988, are given below.

(d) Various measures taken by the Government to expedite project completion *inter-alia* include—

- Intensive monitoring of projects by the Ministry of Programme Implementation through monthly/quarterly monitoring system;
- In-depth periodical review of progress of projects by administrative Ministries and constant pressure on project authorities for expeditious completion;
- Setting up of Task Force/Empowered Committees for problem solving and speedy implementation of projects;
- Close follow-up by concerned Ministries and project authorities

with State Governments, equipment suppliers, contractors, consultants and other concerned agencies to minimise delays;

- Inter-ministerial coordination and interaction;
- Emphasis on preparation of realistic project implementation plan;
- Review of project implementation by the Cabinet Committee on Industrial Infrastructure; and
- Issue of directions for ensuring continuity of tenure of project head until the completion of project and 2-3 years beyond to ensure accountability for implementation.

(e) and (f). Net Work based intensive monitoring system adopted in the Ministry has created a great deal of awareness in the project implementation agencies about the importance of achievement of scheduled milestones, in a month. The basic responsibility for completing the projects within the original estimates/schedules is that of the administrative Ministry and the project implementation agency directly charged with the responsibility for project implementation. With a view to bring the accountability for completion of projects within schedule and cost estimates into sharper focus, Government have issued instructions that the project coordinator should be selected from an appropriate age group such that his tenure lasts not only for the full project completion cycle but also extends a couple of years beyond.

STATEMENT

<i>Sl. No.</i>	<i>Name of Project</i>	<i>Cost over-run over original cost (%)</i>
<i>1</i>	<i>2</i>	<i>3</i>
		<i>4</i>

FERTILISER

1.	Caprolactam-Ammonium Sulphate	(FACT)	113
2.	Haldia Fertiliser Project	(HFC)	609
3.	Aonia Fertiliser Project	(IFFCO)	•
4.	Captive Power Project Bhatinda	(NFL)	58
5.	Captive Power Project Panipat	(NFL)	59
6.	Vijaipur Fertiliser Project	(NFL)	•
7.	Paradeep II Phosphoric Acid	(PPL)	185

TELECOMMUNICATIONS

1.	Electronic Switching System Mankapur	(ITI)	•
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COAL

1.	LTC Coal Gas Dankuni	(CIL)	139
2.	Jhana Block-II OC	(BCCL)	•
3.	Moonidih UG	(BCCL)	922
4.	Pootkibalihari UG	(BCCL)	•
5.	Rajrappa OC	(CCL)	204
6.	Jhanjra UG	(ECL)	•
7.	Rajmahal OC	(ECL)	171
8.	Sonepurbazari 'A' OC	(ECL)	•
9.	Amlohri OC	(NCL)	•
10.	Bina OC	(NCL)	146

1	2	3	4
11.	Dudhichua OC	(NCL)	*
12.	Jayant Exp. OC	(NCL)	305
13.	Kakri OC	(NCL)	133
14.	Khadia OC	(NCL)	5
15.	Nighai OC	(NCL)	*
16.	Gevra—Exp. OC	(SECL)	*
17.	Manuguru—II OC	(SCCL)	18
18.	Ramagundam—II OC	(SCCL)	1
19.	400 KV Trans Lines St-2	(NLC)	*
20.	2nd. mine expansion	(NLC)	197
21.	2nd TPS St-1	(NLC)	156
22.	2nd TPS St-2	(NLC)	71

POWER

1.	Bokaro B-I Thermal	(DVC)	196
2.	Bokaro B-II Thermal	(DVC)	60
3.	Mejia Thermal	(DVC)	51
4.	Doyang H.E.	(NEEPCO)	55
5.	Kopili H.E.	(NEEPCO)	310
6.	Kathalguri GBCCPP	(NEEPCO)	*
7.	Ranganadi HEP	(NEEPCO)	*
8.	Kathalguru GBCCP Tr. LIN	(NEEPCO)	*
9.	Chamera H.E.	(NHPC)	2
10.	Dulhasti H.E.	(NHPC)	316
11.	Koel Karo H.E.	(NHPC)	180

1	2	3	4
12.	Tanakpur H.E.	(NHPC)	58
13.	Jeypore-Talcher Tr. Line	(NHPC)	26
14.	Farakka STPP Stage II		12
15.	Kahalgaon STPP Stage I	(NTPC)	48
16.	Korba STPP Stage II	(NTPC)	74
17.	Ramagundam STPP St I	(NTPC)	107
18.	Ramagundam STPP St II	(NTPC)	52
19.	Rihand STPP Stage I	(NTPC)	34
20.	Vindhyachal STPP Stage I	(NTPC)	48
21.	NCR TPP Dadri	(NTPC)	23
22.	Kawas GPP Surat	(NTPC)	31
23.	Anta GPP	(NTPC)	17
24.	Auraiya GPP	(NTPC)	20
25.	Central Tr. Lines	(NTPC)	9
26.	Farakka Tr. Lines II	(NTPC)	*
27.	Kahalgaon Tr. Lines I	(NTPC)	@
28.	Korba Tr. Lines II	(NTPC)	134
29.	Ramagundam Tr. Lines I	(NTPC)	131
30.	Rihand Tr. Lines	(NTPC)	65
31.	Vindhyachal Tr. Lines I	(NTPC)	38
32.	Auraiya GPP Tr. Line	(NTPC)	*

CHEMICALS & PETROCHEMICALS

1.	Maharashtra Gas Cracker Complex	(IPCL)	17
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1	2	3	4
2.	Nylon-6 Filament Yarn Project	(PCL)	52

PUBLIC ENTERPRISES

1.	Nayagaon Project Expn.	(CCI)	97
2.	Yerraguntala Cement Project	(CCI)	134
3.	Cachar Paper Project	(HPC)	233
4.	Manf X-ray & Graphic Film	(HPF)	*
5.	Manf. Cars & Light utility vehicles	(MUL)	@

PETROLEUM & NATURAL GAS

1.	LPG Marketing Facility-III	(BPCL)	62
2.	Poly-staple Fibre Plant	(BRPL)	196
3.	Hzira Bijaipur Jagdishpur Pipeline	(GAIL)	*
4.	LPG Marketing facility-III	(IOC)	67
5.	Addl. Sec. Processing Facilities, Gujarat Refinery	(IOC)	*
6.	LPG Marketing Facility-III	(IOC)	54
7.	Viramgam-Chaksu-Karnal Pipeline	(IOC)	43
8.	Acquisition of 22 rigs for exploration	(ONGC)	*
9.	Accel-prod programme, Bombay Off-shore	(ONGC)	2
10.	Addnl Oil Recovery-Bombay High South	(ONGC)	*
11.	Gas Sweetening Plant-I	(ONGC)	*
12.	Gas Sweetening Plant-II	(ONGC)	*
13.	Cambay Basin Development Proj.	(ONGC)	*
14.	South Bassein Development-II	(ONGC)	*

1	2	3	4
15.	Ethane/Propane Recovery Plant	(ONGC)	•

MINES

1.	Captive Power Plant	(BALCO)	83
2.	Orissa Alum. Complex	(NALCO)	99

STEEL

1.	4 MT Expansion Bhilai Steel Plant	(SAIL)	129
2.	4 MT Expansion Bokaro Steel Plant	(SAIL)	118
3.	Captive Power Plant Bokaro Steel Plant	(SAIL)	103
4.	Durgapur Modernisation		•
5.	Captive Power Plant Durgapur Steel Plant	(SAIL)	127
6.	Captive Power Plant Rourkela Steel Plant	(SAIL)	162
7.	Rourkela Silicon Steel Project	(SAIL)	70
8.	Vizag Steel Project	(RINL)	178

CIVIL AVIATION

1.	Acquisition of 48 Helicopters	(PHL)	•
2.	Acquisition of 19 Air Bus	(IA)	•
3.	Acquisition of two 747-300 COMBI-Aircraft	(AI)	•

RAILWAYS

1.	Jhansi-Bina-Itarsi	(Electrification)	90
2.	Vijaywada-Kazipet-Balharshah	(Electrification)	108
3.	Jogighopa Gauhati	(New Line)	170

1	2	3	4
4.	Koraput-Rayagada	(New Line)	187
5.	Kota-Chittorgarh-Neemach	(New Line)	192
6.	Guna-Etawah B.G. Line		*
7.	Rail Coach Factory PH-I, Kapurthala		63
8.	Diesel Component Works, Patiala		*
9.	Calcutta Metro Under Ground		516
10.	Madras Beach-Luz RTS Line		97
11.	Mankhurd/Belapurline Extension		10
12.	Freight Operation, INF. System		149

SURFACE TRANSPORT

1.	Acq. Of 3 Lritankers	(SCI)	14
2.	Nhava Sheva Port Project		34
3.	Acq. of 6 EJible Oil Carriers	(SCI)	*
4.	Ahmedabad Vadodara Expressway		7

ATOMIC ENERGY

1.	Heavy Water Project, Hazira		*
2.	Heavy Water Project, Manuguru		34
3.	Narora Atomic Power Project		154
4.	Kakrapar Atomic Power Project		82
5.	Rajasthan Atomic Power Project 3 & 4		*
6.	Kaiga Atomic Power Project		*

*—PROJECTS ON SCHEDULE

@—PROJECTS THOUGH DELAYED, NOT HAVING OVER-RUN.

[English]

Davis Cup Match in Tel Aviv

4487-A. SHRI G.M. BANAT-WALLA: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government are considering the proposal for India's participation in Davis Cup Match and the relegation tie against Israel at Tel Aviv;

(b) whether such participation would be consistent with the country's policy towards Israel and especially so in view of the present Israeli brutal measures against Palestinians in the occupied territories; and

(c) when the final decision in the matter would be taken?

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE IN THE DEPARTMENTS OF OCEAN DEVELOPMENT, ATOMIC ENERGY, ELECTRONICS AND SPACE (SHRI K.R. NARAYANAN): (a) to (c). Government have consistently supported the inalienable right of the Palestinian people to self-determination and to an independent state in their homeland. Government have been deeply concerned by and have condemned the brutal repression by the Israeli authorities of unarmed Palestinians in the occupied territories. Consistent with India's solidarity with the Palestinian cause India will not play Israel in the Davis Cup play off match scheduled to be held in Tel Aviv in April.

12.14 hrs.

[English]

SHRI BASUDEB ACHARIA (Bankura): Sir, 40,000 Delhi Transport workers are on

strike for the last seven days.

[Translation]

MR. SPEAKER: You give notice to me. I will allow it as a Calling-attention.

SHRI BASUDEB ACHARIA: I have already given a call attention notice.

SHRI NARAYAN CHOUBEY (Midnapore): When it will be taken up? Many days have passed.

MR. SPEAKER: We will take it up.

[English]

SHRI BASUDEB ACHARIA: There is a move also to privatise the Delhi Transport Corporation which is a public undertaking... (Interruptions) Will you take it up tomorrow?

[Translation]

MR. SPEAKER: What I have said, that is final.

SHRI BASUDEB ACHARIA: Please take it up tomorrow.

MR. SPEAKER: We will see, we will take it up.

SHRI BASUDEB ACHARIA: Please take it up tomorrow.

MR. SPEAKER: The trouble starts when you adopt a dictatorial attitude.

[English]

SHRI S. JAIPAL REDDY (Mahbubnagar): There is need for the Government to clarify the circumstances under which Mr. Harsh Chadha was allowed to be let off on bail.

[*Translation*]

MR. SPEAKER: Jaipal Reddyji, you must realise that whatever the court has decided, nobody has any hand in it.

[*English*]

SHRI S. JAIPAL REDDY: No Sir. The Government did not oppose the bail being granted to Mr. Harsh Chadha...

*(Interruptions)**

MR. SPEAKER: No please. Not allowed.

*(Interruptions)**

MR. SPEAKER: You cannot force any magistrate.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): It was reported in Doordarshan last night that when the opposition members were asked to speak, they did not respond. I have given a notice of privilege. *(Interruptions)*

MR. SPEAKER: I asked you to speak.

(Interruptions)

* SHRI SOMNATH CHATTERJEE: I was ready. How could I speak when this was going on? *(Interruptions)*

MR. SPEAKER: Somnathji, you must be reasonable.

(Interruptions)

SHRI SOMNATH CHATTERJEE: I also request you to consider our predicament.

(Interruptions)

MR. SPEAKER: I am speaking now. Listen to me. It is not a clapping by one hand. It is a clapping by both the hands. You and me — if we cooperate, then the law and order in this House is maintained.

(Interruptions)

SHRI SOMNATH CHATTERJEE: How could I speak? *(Interruptions)*

MR. SPEAKER: I asked you to speak. What can I do? *(Interruptions)*

MR. SPEAKER: Look here. What I am concerned is not only about yesterday's incident. I am not concerned about myself because I can understand and I can confidently face it with patience, calmness and everything. What I am concerned about is the very basis of this institution. That is what I am saying.

(Interruptions)

SHRI SOMNATH CHATTERJEE: I was ready to speak. I had brought all these books. But how could I speak when this was going on? *(Interruptions)*

MR. SPEAKER: Again, you are doing the same thing.

(Interruptions)

MR. SPEAKER: If there is any question, it can be debated.

(Interruptions)

SHRI S. JAIPAL REDDY: They wanted to destroy the Constitution. *(Interruptions)*

MR. SPEAKER: There is a dictum that

everybody in this House has a right to say and I must allow a voice to be heard because you have the freedom of expression.

(Interruptions)

SHRI BASUDEB ACHARIA: You could have adjourned the House. *(Interruptions)*

MR. SPEAKER: Why should I adjourn? No. question.

(Interruptions)

MR. SPEAKER: You can come to me today any time.

(Interruptions)

MR. SPEAKER: I am not going to surrender.

(Interruptions)

MR. SPEAKER: Even now, you are doing the same thing. I am on my legs, but you are still standing. It is your rule you are violating.

(Interruptions)

MR. SPEAKER: I just say that I am at your disposal. I will allow you free discussion. I have always allowed free discussion.

(Interruptions)

SHRI SURESH KURUP (Kottayam): You should allow us to raise points of order. *(Interruptions)*

MR. SPAKER: Yes, I did allow. But you would not listen.

(Interruptions)

MR. SPEAKER: I requested you here yesterday to sit down and listen to me. But

you did not. Now, it is out of order.

(Interruptions)

SHRI SOMNATH CHATTERJEE: The question is, whether I responded or not. I stood up and said I wanted to speak. I could not speak like them, only shouting..... *(Interruptions)*

Therefore, you should not treat me that I had refused to respond. *(Interruptions)*

MR. SPEAKER: You can speak today. I do not mind. No problem.

SHRI SOMNATH CHATTERJEE: That is all right. I am happy.

MR. SPEAKER: I will give you a free choice to speak today. There is no barring.

12.18 hrs.

[English]

PAPERS LAID ON THE TABLE

Notification under Customs Act, 1962, Annual Report of and Review on the working of National Institute of Public Finance and Policy, New Delhi for 1986-87

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT): On behalf of my colleague.

SHRI A.K. PANJA: I beg to lay on the Table—

- (1) A copy of Notification No. G.S.R. 333 (E) (Hindi and English versions) published in Gazette of

India dated the 9th March, 1988 together with an explanatory memorandum extending the validity of Notification No. 341/76-Customs dated the 2nd August, 1976 upto the 30th September, 1988, under section 159 of the Customs Act, 1962. [Placed in Library. see No. LT-5752/88]

- (2) (i) A copy of the Annual report (Hindi and English versions) of the National Institute of Public Finance and Policy, New Delhi, for the year 1986-87 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Institute of Public Finance and Policy, New Delhi, for the year 1986-87. [Placed in Library. See No. LT-5753/88]

Annual Report of and Review on the working of Indian Statistical Institute, Calcutta for 1986-87 and Statement for delay in laying these Papers

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PROGRAMME IMPLEMENTATION (SHRI BIREN SINGH ENGTI): I beg to lay on the Table—

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Statistical Institute, Calcutta, for the year 1986-87 along with Audited Accounts.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Statistical Institute,

Calcutta, for the year 1986-87.

- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT. 5754/88]

Statement Correcting reply to USQ No. 1147 dt.-3/8/87 regarding Construction/ Allotment of Flats by DDA and giving reasons for delay in Correcting the Reply

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI DALBIR SINGH): I beg to lay on the Table a Statement Hindi and English versions (i) correcting the reply given on 3rd August, 1987 to Unstarred Question No. 1147 by Shri Somjibhai Damor, M.P. regarding construction/allotment of flats by DDA and (ii) giving reasons for delay in correcting the reply. [Placed in Library See No LT-5755/88]

Detailed Demands for Grants of the Ministry of Human Resource Development for 1988-89

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRI L P. SHAHI): I beg to lay on the Table a copy of the Detailed Demand for Grants (Hindi and English versions) of the Ministry of Human Resource Development for 1988-89. [Placed in Library. See No LT-5756/88]

Detailed Demands for Grants of the Ministry of Personnel, Public Grievances and Pensions for 1988-89

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF

HOME AFFAIRS (SHRI P. CHIDAMBARAM): I beg to lay on the Table a copy of the Detailed Demands for Grants (Hindi and English versions) of the Ministry of Personnel, Public Grievances and Pensions for 1988-89. [Placed in Library. See No. LT-5757/88]

12.19 hrs.

COMMITTEE ON GOVERNMENT ASSURANCES

[English]

Tenth Report

PROF. NARAIN CHAND PARASHAR (Hamirpur): I beg to present the Tenth Report (Hindi and English versions) of the Committee on Government Assurances.

(Interruptions)

[Translation]

SHRI RAJ KUMAR RAI (Ghosi): Mr. Speaker, Sir, many parts of our country have been affected by hailstorm for which I gave a call attention notice and you assured me to allow it.

MR. SPEAKER: You give it in writing.

(Interruptions)

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, the people of Delhi are facing a lot of difficulties due to strike in D.T.C.

MR. SPEAKER: I have allowed it. Why are you raising it again and again.

(Interruptions)

[English]

DR. DATTA SAMANT (Bombay South Central): They are recruiting people. They are giving advertisement. (Interruptions)

[Translation]

MR. SPEAKER: Even if you repeat it ten times.

[English]

It makes the same thing. I am going to allow a calling attention on this subject. I have already said it.

(Interruptions)

DR. DATTA SAMANT: I have given a notice. (Interruptions)

MR. SPEAKER: What is there? I am going to allow the calling attention.

(Interruptions)

DR. DATTA SAMANT: It is a legal strike by the workers. (Interruptions)

[Translation]

MR. SPEAKER: What else do you want? Do you want in writing?

[English]

It is a bad habit you are developing unnecessarily.

(Interruptions)

DR. DATTA SAMANT: We are not discussing it here. They have given advertisements. (Interruptions)

[Translation]

SHRI HARISH RAWAT: Mr. Speaker, Sir, the people of Delhi along with D.T.C. workers are facing great difficulties.

MR. SPEAKER: You please sit down.

(Interruptions)

SHRI HARISH RAWAT: I have given a notice.

MR. SPEAKER: I have said it. What else I can do?

SHRI HARISH RAWAT: Rupees two are being charged even if one has to cover a very short distance.

MR. SPEAKER: I have already said it.

SHRI HARISH RAWAT: The people of Delhi are facing difficulties. D.T.C. workers are being lathicharged and dismissed.

MR. SPEAKER: Rawatji, what more can I do? I am allowing a discussion.

SHRI HARISH RAWAT: There should be discussion.

MR. SPEAKER: When I have disallowed it. I am allowing it.

[English]

SHRI HARISH RAWAT: It should be allowed tomorrow, Sir.

[Translation]

MR. SPEAKER: I will see.

(Interruptions)

MR. SPEAKER: What has happened to you?

[English]

Have you got some semblance of discipline?

DR. DATTA SAMANT: The behaviour of the Government is shocking...

MR. SPEAKER: Your behaviour is shocking. When I have promised you...

DR. DATTA SAMANT: They have given an advertisement for recruiting the people. It is a legal strike...

MR. SPEAKER: I think, you deserve something much more than a Victoria Cross!

DR. DATTA SAMANT: It is a legal strike... (Interruptions)

SHRI HARISH RAWAT: The hon. Transport Minister is here. Let him say something.

12.22 hrs.

[English]

MATTERS UNDER RULE 377

(I) Need to Supply Kerosene to Balasore, Sambalpur and Rourkela from Vizag refinery

DR. KRUPASINDHU BHOI (Sambalpur): Kerosene Oil as well as petrol and diesel are supplied to Balasore, Sambalpur and Rourkela depots from Haldia Refinery. Other depots are supplied from Vizag refinery. Supply from Vizag is quite regular. But supply from Haldia is often disrupted due to labour problems. As a result, acute scarcity of kerosene oil is being experienced in Balasore District, Sambalpur and Rourkela. Whenever supply from Haldia refinery is disrupted, the Ministry of Petroleum should

arrange to supply kerosene to Balasore District, Sambalpur and Rourkela Regions from Vizag.

I urge upon the Union Minister of Petroleum and Natural Gas to look into the suggestion and do the needful at the earliest.

[*Translation*]

(II) Need to open 'Navodaya Vidyalaya' and 'Kendriya Vidyalaya' in Ghosi, Azamgarh and Ballia, Uttar Pradesh

SHRI RAJ KUMAR RAI (Ghosi): Mr. Speaker, Sir, the eastern districts of Uttar Pradesh are lagging behind in the economic development. The population of these districts is very dense but in proportion to that the number of schools there is small. In deference to my efforts and the demand of the people it was decided to open a Navodaya Vidyalaya at Jeeyanpur in Azamgarh district in the wake of the implementation of the new education policy. But it is now being set up in Azamgarh city instead of at Jeeyanpur. This has given rise to discontentment among the people of Jeeyanpur. Therefore, it should be started at Jeeyanpur immediately. If the construction of a building is likely to be delayed, it should be started in some other building for the time being. I request the Minister of Education to sanction the opening of Navodaya Vidyalayas and Kendriya Vidyalayas in the newly created district of Maunath Bhanjan, Ghosi, Azamgarh and the Rasara town of Ballia.

(III) Need to direct the mills to give preference to purchase of sugarcane from weaker sections

SHRI JAGANNATH PRASAD (Mohanlalgaon): Sixty per cent of sugarcane growers belong to weaker sections in Sitapur, Lakhimpur, Kheeri, Pilibhit, Hardoi, etc.

districts of Uttar Pradesh have to sell their sugarcane to the cane crushers at a rate of only Rs. 12 to 15 per quintal for want of passes from the sugarcane cooperative societies. While the big sugarcane growers and some terrorists are able to get more passes which are sold to the poor sugarcane growers. The Central Government is, therefore, requested that in regard to this very important matter, directions may be issued to the State Governments.

12.24 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

To do away with the present speculation system being adopted by the cooperative societies so that the poor and small sugarcane growers are able to get fair price of their sugarcane. I would like to suggest that rules be framed under which the mills are asked to purchase sugarcane from the 60% growers belonging to the weaker sections on priority basis.

[*English*]

(iv) Need to undertake Welfare Schemes for Craftsmen

DR. PHULRENU GUHA (Contai): Sir, our craftsmen are doing a great service to the nation. By not looking after them, we cannot protect and enrich our cultural heritage. I urge the Government to frame a national policy for protection of craftsmen. I request the Government that necessary welfare schemes should be undertaken for them.

[*Translation*]

(v) Need for Construction for a Stadium in Bash Tehsil of Agra (U.P.)

SHRI GANGA RAM (Firozabad): Mr. Speaker, Sir, although our country lagged

[Sh. Ganga Ram]
for behind in the last olympic games. Still it cannot be said that there is lack of talent in the field of sports. The situation is that our country abounds with good players and we are proud of them but it is essential to take effective steps to formulate a time-bound and planned programme to develop and encourage the right talent after making proper selection. For this, we should raise the standard of sports by opening training Centres and stadia on large scale for imparting suitable training to good players and by making good use of the talent available in the country. There is a provision for construction of stadia at the level of district headquarters. In order to achieve further expansion in this matter, a scheme should be formulated to construct stadia at tehsil level. In the beginning at least one tehsil should be selected in every district for the construction of a stadium. Best players not only of Asian level but also of world level are available in Baah tehsil of Agra district which have earned fame in the field of sports, won many awards and set up new records. There is a great scope of developing their talent. A stadium is already there in Agra city. Therefore, the Government may kindly take necessary steps for the construction of a stadium at Baah as early as possible by providing the requisite amount of funds to the Government of Uttar Pradesh as a special case.

[English]

(vi) Need to set up New Spinning and Textile Mills in Punjab

SHRI BALWANT SINGH RAMOOV:-
ALIA (Sangrur): Sir, the consumption of cotton within Punjab is very low at 3.5 lakh bales, when compared to the production level at 18.5 lakh bales, leaving a surplus of 14 to 15 lakh bales every year. The imbalance in production and consumption of cotton within the State results in artificial glut in cotton, leading to fall in prices of raw cotton

to unremunerative levels, as witnessed during the current year. The price of raw cotton which ruled around Rs. 950 per quintal in January, has declined to Rs. 825 per quintal, in response to the recent statements by the Union Textile Minister indicating imports of cotton and simultaneously ruling out exports. A small number of spinning mills have recently been commissioned in the cooperative and joint sector, but there is still need for setting up of spinning and textile mills within the State of Punjab to bridge the gap in production and consumption of cotton. Export quotas for Punjab varieties should be released by the Government of India to ensure remunerative price to the growers and to encourage them to continue to produce more. In order to encourage cotton growers in Punjab, a limited export quota of 5,000 bales of Bengal Deshi (short staple) and 20,000 bales of F-414 (long staple) varieties may be released on the last year pattern to the Punjab State Marketing Federation, which will have a positive impact on the sowing intentions of the growers during 1988-89.

I, therefore, request the Government to set up new spinning and textile mills or transfer the closed mills from other States to Punjab. It will provide marketing facility for the farmers, employment opportunities for the youth and will pave the way to change the dumped investments of sick mills into running capital.

(vii) Demand for a TV Centre at Dhubri (Assam)

SHRI ABDUL HAMID (Dhubri): The Ministry of Information and Broadcasting, has taken a laudable policy decision to establish T.V. centre in all important border towns and started implementation of their policy to the satisfaction of the people.

Dhubri, is a district town, situated on Indo-Bangladesh border without having any

facility of TV. The only TV Centre is at Guwahati which is located at a distance of about 300 kilometres, people of Dhubri cannot enjoy the programme telecast from Guwahati as it is not clearly visible. As a result, they turn to Bangladesh TV which is very clearly visible. This has caused immense disadvantage not only politically but in other respects also. Now-a-days, the programmes relayed by Delhi Doordarshan are very educative and media for social awareness. But due to absence of this facility our people know more about a foreign country like Bangladesh than having knowledge about their great mother-land, its culture and heritage.

I request the Information and Broadcasting Ministry to start a TV Centre at Dhubri during the current plan period, treating this as a special case and to take preliminary steps necessary to complete the Centre within the current plan period.

(viii) Need to Shift Head Office of Paradeep Phosphate Ltd from Delhi to Bhubaneswar

SHRI SRIBALLAV PANIGRAHI (Deogarh): Paradeep Phosphates Limited is a Joint Venture of Governments of India and Nauru. Although this Plant is located at Paradeep in Orissa with its Registered Office at the State Capital i.e. Bhubaneswar and the plant was commissioned in 1986, it appears quite mysterious and intriguing that its Head Office is functioning at New Delhi, about 2000 KM. away from the Registered Office and the Plant Site, in spite of the decision taken by the Board of Directors long since for shifting of the Head Office to Bhubaneswar. The Registered Office is manned only by a few clerks and is merely entrusted with the work of making arrangements for the visiting officers of the company. Absence of the Head Office and the top officers from Orissa is adversely affecting the work and the interests of the company. A great deal of

avoidable expenditure is also being incurred on account of frequent visits of top officers from Delhi to Orissa and *vice-versa*.

The basic principle relating to employment of local people in the Plant is ignored by the Management causing serious discontentment among the people in Orissa.

I would, therefore, urge upon the Hon'ble Agriculture Minister and Minister of State for Fertilizers to look into this matter personally and arrange for the early shifting of the Head Office of Paradeep Phosphates Limited from Delhi to Bhubaneswar in the large interests of the Company itself and also the State of Orissa.

12.34 hrs.

CONSTITUTION (FIFTY-NINTH AMENDMENT) BILL—CONTD

[English]

MR. DEPUTY-SPEAKER: Now, we take up the item No. 9 in the List of Business, that is, further consideration of the following motion moved by Shri Buta Singh on the 22nd March, 1988, namely:

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

Mr. Ayyapu Reddy to speak.

SHRI S. JAIPAL REDDY (Mahbubnagar): Sir, I think we must hear the Minister because yesterday we could not hear him.

MR. DEPUTY-SPEAKER: You can hear him again.

SHRI E. AYYAPU REDDY (Kurnool): Sir, I rise to speak on this Bill with deep sense of anguish. I take this opportunity to pay our humble tribute to the brave people of Punjab who have stood solidly behind the integrated India while facing reckless mad violence. Let me also take this opportunity to convey our heart-felt condolences to all those innocent persons who have lost their lives while facing the terrorists' violence. I renew my request which was made by me at the time of the imposition of the President's Rule that all those persons who have lost their lives at the hands of the terrorists and at the hands of violence from whatever quarter it may be, must be treated on a par with freedom fighters.

(Interruptions)

[Translation]

SHRI S. JAIPAL REDDY: Mr. Buta Singh has come with a stengun, do away with Buta Shahi.

SHRI BASUDEB ACHARIA (Bankura): Where had you gone? We were looking for you. Had you gone to see rockets.....

DR. DATTA SAMANT (Bombay South Central): He had gone to bring rockets.

[English]

MR. DEPUTY-SPEAKER: He has come to listen to you.

[Translation]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): I was getting ready for a duet.

[English]

SHRI E. AYYAPU REDDY: Sir, we oppose this Bill. We also want to register our

protest at the manner in which such an important Bill as this was introduced in the Rajya Sabha just on the eve of the retirement of one-third Members of the Rajya Sabha, hastily and without any prior intimation.

Sir, a Constitution amendment is a very important subject. The dignity of the Constitution requires that any amendment to the Constitution must be as a result of national consensus. Even before entering as a candidate for the elections, Members are required to take their oath on the Constitution. The Constitution is the *mool granth* and whenever there is an amendment to the Constitution, Article 368 of the Constitution has provided a special procedure. But the special procedure is only symbolic. What is necessary is that there must be national consensus on every important amendment. In fact, the Forty-fourth and Forty-fifty Amendments envisage a national referendum wherever Fundamental Rights are sought to be amended or affected. Unfortunately, that amendment to Article 368 could not be passed on account of the fact that there was no requisite two-thirds majority in the Rajya Sabha at that time. But this clearly indicates that a national consensus is a condition precedent and that strong conventions and traditions require the evolvement of a national consensus before an important amendment to the Constitution is passed. Sir, if I remember right, even the controversial Forty-second Amendment was preceded by a national debate and discussion. Now, the Constitution is for the entire nation. It must receive the acceptance and respect of the entire nation. It must be preceded by a debate and discussion in the juristic forums, in academic forums and in the press, and the Constitutional experts must be invited to give their views also. The implications, the complications and the ramifications of a Constitutional Amendment must be studied and it must be always taken up when a broad consensus has been evolved. Now, unfortu-

nately, so far as this Bill is concerned, as I have stated, it has been introduced even without any mention, the prior intimation. Sir, even in the Presidential Address there was not even a whisper about this impending amendment of the Constitution to solve the Punjab issue. But, all of a sudden just on the eve of the retirement of one third of the Members, the political opportunism was displayed and the Bill was introduced in the Rajya Sabha. So far as this Bill is concerned, it has got some draconian, harsh and very very far-reaching effects. The provision in the Bill taking away the Fundamental Rights of the citizens under Article 21 of the Constitution regarding life and liberty will hurt the conscience of all human activists not only in India but everywhere. It will certainly demoralise all those people who have been standing by the well-cherished democratic principles. As a matter of fact, this will have a far-reaching effect on India's image abroad. We forfeit our rights to speak against suppression of human rights in any part of the Globe especially in the international forums. It will adversely affect India's reputation as a champion of human rights. (*Interruptions*)

The Indian people forfeit their right to protest against the suppression of human rights in any part of the Globe. This will also affect our fair name in the international forums especially in the third-world where we are supposed to champion the cause of democracy and stand against colonial rule and suppression of human rights. This will also provide a lethal weapon of vicious propaganda to the protagonists of Khalistan in Canada, U.K., U.S.A. and in other places to demonstrate that human rights are being suppressed, the Fundamental Rights are being suppressed and that a particular community is being discriminated. This will certainly provide a lethal weapon in the hands of the opponents and critics of India to demonstrate that in India itself basic rights

are not being allowed and that it is adopting a ruthless policy of suppressing the minority community.

Sir, this Bill is an exercise in futility. It will be counter-productive and it will not, in any way, help the Government. There have already been numerous enactments empowering the Executive and empowering the other authorities to deal with the situation. The enactments are nearly 22 in number. A Resolution under Article 249 was passed by the Rajya Sabha enabling the Union Government to take adequate steps to fight the terrorists and to prevent any type of foreign aid and help to the terrorist elements. In fact, if we are to take count of all the enactments that have been passed, they can be said to be a composition of draconian laws which can be placed in any legal museum.

Sir, the passing of these enactments has in a way helped the Government to tackle these issues. It was said of the First World War that it was a war which was fought to end all wars, ended in peace which ended peace. Every time the Government is coming forward with some statute. Statutory changes are brought for the purpose of tackling terrorist problem. This House has always been liberal in giving its consent and in making them enacted. But this has not helped in any manner. While the Home Ministry is becoming crazy in having a collection of this draconian laws, they are not in a position to make use of any one of these draconian laws for the purpose of tackling the terrorist problem in Punjab when the death toll is mounting. The Home Ministry is only happy in gathering and collecting a number of enactments which have got draconian implications. This is not, in any way, helping the Government or the people to even prevent escalation of violence in Punjab. And the only thing — probably after having exhausted all the provisions of the Constitution — we only hope that next time

[Sh. E. Ayyapu Reddy]
you can only come forward asking for the conferment of the divine powers to solve this issue.

Coming to the Bill itself, the merits of the Bill, it consists of three clauses. The Second Clause seeks to amend or seeks to provide a rider to Clause 5 of the Article 365. We can understand the purport of this amendment. But this Clause has nothing to do with Clause 3. Clause 3 seeks to impose emergency in Punjab. It wants to amend Articles 352, 358 and 359. In fact, there is no nexus between Clause 2 and Clause 3. Clause 2, if it is taken up, would show that it wants to get over the necessity of imposing a proclamation of emergency. Clause 5 of Article 356 provides that the President's Rule cannot be extended beyond a period of one year unless there is proclamation of emergency under Article 352. And also there is an opinion by the Election Commissioner that it is not possible to hold the elections.

Now, if Clause 3 is taken, if you are going in for the proclamation of emergency, then there is absolutely no necessity for the introduction of Clause 2 because after the proclamation of emergency, it will be easy for you to obtain opinion of the Election Commissioner and that it would not be possible to hold the elections. Therefore, there is conflict between Clause 2 and Clause 3. Clause 2 indicates that it is not the intention of the Government to impose emergency—internal or external—but only for the purpose of getting over the harsh conditions imposed by Clause 5 that the necessity of proclaiming an emergency and obtaining a certificate that this proviso with this exception so far as Punjab is concerned is sought to be provided.

So far as Clause 3 is concerned, if I may say so, it leads to a confusion worst confounded. It has undergone an amendment in the Rajya Sabha. It is going to create a

number of complications. It is not going to solve any problems. For example, it is confined to the territory of Punjab. That is, the internal disturbance must take place only inside the territory of Punjab. If the internal disturbance has taken place, say, in the Union Territory of Chandigarh or in the border villages or in Delhi, then there is no possibility of imposing any proclamation of emergency.

It purports to show that emergency will be confined only to the territory of Punjab. We know that there is only one common High Court in the Union Territory of Chandigarh. What will be the position so far as the powers of a citizen to invoke the constitutional powers of the High Court under Article 226 in the Union Territory of Chandigarh and in the common High Court of Punjab and Haryana? Will there be any distinction between those powers, between those who take part in terrorist activities or internal disturbance inside the territory of Punjab and outside the territory of Punjab? What will be the consequences of that? That probably is not quite clear from the provisions of Clause 3, as they stand.

So far as the amendment to Articles 358 and 359 is concerned, there is a distinction to be kept in view. There, 'emergency must for the purpose of safeguarding the security of India' is sought to be distinguished by 'emergency imposed for the purpose of maintaining the integrity of India by internal disturbance only in the State of Punjab'. If the integrity of India is threatened by internal disturbance only in the State of Punjab, then only emergency can be imposed. But, if the integrity of India is attacked by internal disturbance in any other State, you cannot impose it and you cannot resort to the emergency provisions. How is it going to stand the scrutiny under Article 14 of the Constitution?

Then the most important question that will arise is the first proviso to Article 358

which says that the fundamental rights under Article 19 can be suspended by an executive act under that proviso. That proviso requires emergency proclamation only when the security of India is threatened. Is it the intention of the Government that the proviso will not apply to this Bill, that is that the proviso requires or enables the suspension of Article 19 in other parts of the country even though there is no proclamation of emergency governing those parts of the country? Will that proviso apply now to other parts because this Bill is confined only to Punjab and that too where the integrity of India is threatened by internal disturbance in the whole or part of Punjab. The same is the position with reference to Article 359 in suspending the provisions of and operation of Article 21. So these complications are there about the proviso to Article 358 regarding the enforcement of Article 19 in other parts of India and also the suspension of Article 21 in other parts of India. No clarification has so far been given and it will certainly lead to dubious and devious interpretation so far as this part of it is concerned.

Sir, the imposition of Emergency in Punjab is not only going to be counter-productive but it is also going to isolate the Government from the people who have had bitter experiences of Emergency. Imposition of emergency in Punjab is going to adversely affect trade, commerce, industry, transport and tourism. The minute Punjab is brought under emergency people will know that they are likely to lose their precious right under Article 21. Any person who ventures to go into Punjab may be detained or shot and he will not have any remedy. Will this not create tensions and scare in other parts of India? Will it not isolate Punjab even if it is for a temporary period of 3 years? This will lead to isolation and disintegration of Punjab. Will it be conducive to bringing about normalcy after proclamation of emergency is made in Punjab? How can you guarantee that it will not affect the isolation of Punjab from the

rest of India? We have got only one citizenship so far as India is concerned. There is no separate citizenship for Punjab. All those persons who want to transact or interact with Punjab people or with trade and commerce there will certainly have the terror of emergency hanging on them. (Interruptions)

The very fact that you are bringing a part of Punjab under this you are taking it away from the mainstream and you yourself are paving the way for the disintegration of Punjab. To bring it back again to the mainstream of life after lifting of the emergency will be a very very difficult task.

13.00 hrs.

What is the sin committed by the majority of the people of Punjab? Why should they be deprived of their rights under Article 21 of the Constitution? Why should they suffer on account of the imposition of emergency? Why should trade, commerce and economic development of this country be affected by the imposition of this emergency? The imposition of the emergency means the people are caught between two devils. One is the lawlessness of the State executive versus the other, terrorists. In between the two, the people of Punjab have to suffer. It will certainly affect them very adversely. It will have a traumatic experience on the people. This will certainly give a weapon in the hands of the separatists that Punjab is being treated separately and that it is a discriminatory treatment for Punjab. So, any proclamation of emergency is certainly not in the interests of the nation at all.

Has the Government any steadfast definite approach to the solution of Punjab problem? Unfortunately it has been changing its stand so often that it is not possible to discern any policy with it. As was stated by Shri Indrajit Gupta the other day, we are not able to see any method in madness, in the madness of the policy changes, the volte-

[Sh. E. Ayyapu Reddy]
face which the Union Government is indulg-
ing in. (*Interruptions*)

At the outset, there was an attempt to solve the Punjab problem in the right direction. The policy was going in the right direction. Arjun Singh was lifted overnight from Bhopal and was placed in Chandigarh. After making his perambulations, he has gone back to Bhopal. The problem of Punjab has gone back to the place where it was. The Golden Temple has gone back completely into the hands of the extremist elements. The Union Government is not having its sway there. But is is the extremists who are having a sway. The slogans written there and the flags, all those things will demonstrate very clearly that the Presidential Rule of S.S. Ray and Ribeiro has totally failed.

At the last Baisakhi, there was an attempt made by all-parties convention, addressed by a Union Minister, for the purpose of solving the problem of Punjab. Punjab problem is a national problem. All the parties are untied for its solution. They all stand for the integrity of the country and they are against Khalistan. When the Rajiv-Longowal Accord was entered, at that time an overwhelming majority of the Sikh people were for solving the problem of Punjab peacefully.

The Punjab Accord was not implemented properly. There was no sincerity in trying to implement the Accord. The people of Punjab gave their verdict. Barnalaji became the elected Chief Minister. In February 1987, the President's Address to this House started with paying glowing tributes to Barnalaji. But by the end of the Budget session, all of a sudden, on the report of Shri S.S. Ray, the President's Rule was imposed. There was no inkling that the President's Rule was in the offing.

Now Sir, it so happened that the impo-

sition of the President's rule coincided with the ensuing elections in Haryana. It is only for that purpose that the President's rule was imposed and it was imposed on the pretext that the elected Government was not in a position to tackle the terrorist activities. The mother-in-law came for the purpose of replacing the daughter-in-law on the ground that the daughter-in-law is breaking one pot a week. The mother-in-law took over the management and she began to break three pots a day. There was only 356 or 340 per annum and now after Sh. S.S. Ray and Ribeiro and other people took over, this figure went up. If you apply the same standards which has been applied for the dismissal of the Government of Barnala, naturally a person of the stature of Sh. S.S. Ray should have accepted his moral responsibility and should have tendered his resignation long long ago. But on the other hand, it is surprising that he has come forward with an explanation.

PROF. MADHU DANDAVATE (Rajapur): He never resigned, he was already defeated.

SHRI E. AYYAPU REDDY: He came forward with an explanation saying that the fundamentalist activities have been suppressed. Then, after the President rule was imposed, even at the time of imposition of the President rule, we have warned that good Government is not a substitute for self-Government. It is for the people of Punjab to solve their problem. It is for the Sikh community to come and decide what exactly are their demands. Now, to deny self-Government, to deprive them of their right of self-Government is one of the worst Constitutional blunders that have been committed. Now, after having imposed the President rule, no initiative was taken for the purpose of bringing about the various political parties together and for the purpose of finding out a solution. There has been a negative attitude all together. Then, suddenly they thought of

releasing some people. The services of one Jain Muni was taken or is supposed to have been taken. Then, we found that Jodhpur detainees were released. Shri Barnala was requesting the Union Government a number of times to release the Jodhpur detainees. You did not concede to his request. But all of a sudden, without anything you released the Jodhpur detainees. People were happy and people welcomed this move because we were expecting you to go in the right direction. Then the five priests were also released. They were supposed to issue the 'Hukumnama' or at least people were made to understand that they were going to issue the 'Hukumnama' from the Golden Temple banning the killings of innocent persons. But what happened? They never issued any such 'Hukumnama'. Jain Muni appears to have made an appeal to them to issue the 'Hukumnama'. Instead of issuing any 'Hukumnama', they have given 'suropas' to the militant extremists.

You approach has been *ad hoc*. We do not know who has been operating in which field. We have come to understand that Satish Sharma and Jain Muni were operating in one field and the Home Ministry in different field, one not knowing what the other is doing with the net result that you are blowing hot and cold at the same time. You want to take political initiative and have a political dialogues. On the other hand, you are coming forward with a draconian change for imposing emergency in Punjab. You are merely heightening the darkness and intensifying madness. You are not in a position to see any light or see any way through and that is why you are trying to ventilate your frustration by resorting to amending the Constitution. This will not in any way help. As I submitted, you are paving the way for isolating Punjab. For God's sake do not do that.

The common people are made to think that the opposition parties are not interested

in solving the Punjab issue because they are opposing the measures. In fact, you have gathered in your armoury all sorts of draconian law. What is lacking in your armoury is not the powerful weapons; all powerful statutory weapons are already in your armoury, in the armoury of the Home Ministry, but what you are lacking is a will to make use of them, a will to implement any one of them.

In order to cover that, this very very draconian amendment to the Constitution is being resorted to. In fact, my humble submission is that this will affect our fair game in the international forums, it will affect our standing in the Third World countries. If you dispassionately think and strike a balance of the plus points and the minus points, the plus point is zero; you are not going to achieve anything on account of this Bill. Kindly spell out even one concrete step which will enable you to solve the problem by passing this amendment. On the other hand, I can spell out any number of aspects which will go against the Indian interests, against the interest of the people of India.

With these words, I oppose this Bill. The only way in which I can conclude is *sab ko sammati de bhagwan*.

DR. G.S. DHILLON (Ferozepur): Mr Deputy-Speaker, Sir, while sitting here I was brooding over the past. It is a very interesting coincidence that when emergency was imposed in 1975, I was occupying the Speaker's chair. The Prime Minister later on during the period of emergency inducted me as a Cabinet Minister and I was there throughout. And now it is a strange coincidence that when I am a Member now; I am rising to speak on the 59th constitution amendment regarding emergency. I have thought over it very dispassionately, just wavering this side or that side. But after the Home Minister gave a categorical assurance in the other House that the emergency will not be misused, I have decided to sup-

[Dr. G.S. Dhillon]
port it.... (Interruptions)

MR. DEPUTY SPEAKER: Please, order.

DR. G.S. DHILLON: When the last emergency was imposed in 1975, I can sincerely tell you that for the first few months it had a very wholesome effect on the all-round administration, economy and in fact on everything. But soon after it resulted into a very horrible state of affairs. In spite of the Government's best efforts, the Government could not get out of that mess that was created then. My fear is the same this time also. But I have relied on the Home Minister's assurance. Taking courage, I can assure the Home Minister that I will fully cooperate with him in implementing that assurance.

Sir, this Bill deals with the two parts. One is about the extension of the President's Rule for another two years. We have already completed one year and it proposes for another two years. We could not do anything else other than this. In spite of the number of opportunities given to the then ruling party, they could not carry on for long their ministry. Minister, I am talking of the Barnala Government. In spite of his good intentions, he could not carry on for long. There were some elements in the Ministry itself which went to the other side and the Poor Barnala was very helpless to witness this. You might have seen that those three or four people who were occupying the prominent ministerial positions are now on the other side. you could read their names in the newspapers. And because of this internal tottering state of affairs, that Cabinet could not last for long in spite of goodness shown, and in spite of the best of the best intentions of Shri Barnala himself. Since then we have been looking forward that circumstances may help those people who had been released from the jail, like Shri Prakash Singh Badal and others.

Something may come out of their mutual consultations and mutual co-operation and the situation may be restored to normalcy. But nothing came out of that. Then an other spell of six months was tried but nothing was coming out of it. Hence we were constrained to bring this legislation, the Constitutional amendment that from the maximum of one year Presidents rule may go for another 2 years. We could not help it. I think, the Opposition will itself see that there was no way out. Some hope could be pinned on the Legislative Assembly, the Vidhan Sabha but that too is dissolved. Of course, we have different opinions about it. We thought that this perhaps may result in an opportunity for the conciliation between the Akali groups and that it may, at some convenient day in the future, bring them together.

That hope is gone. After the dissolution, now there is another opportunity for those warring factions to come together again. Their utterances are very ambivalent, right from Shri Badal to other leaders — sometimes from one extreme and later to another — but no one upto this time has taken up a very bold stand, either to condemn terrorism or to persuade the priests. But instead Shri Badal himself went to join the Installation Ceremony of Bhai Jasbir Singh. We thought he had been invited but it came out in the Press that "no he was a voluntary visitor who offered his services. But he was never invited to speak or invited even to present his saropa." So I asked their leader here in the Rajya Sabha as to what happened: you were not invited: He said Shri Barnala did show some guts. He did not go. But Shri Badal himself went there. That can very well expose the psychology of the man who was working under that to visit the Golden Temple at the time of the Installation Ceremony. This type of a situation has arisen.

By this amendment only the deleted words "internal disturbances" are being restored. If an emergency is declared in the

whole of Punjab or part of it or a few districts, one thing is definitely there. Whether it is any piecemeal or something like that, my District Amritsar will be the first to come under it.

I come from the district of Amritsar. After 25 years of elections from Taran Taran, I contested from the adjoining Constituency of Ferozepur. Now I represent that district. Both are border districts.

This Taran Taran has become so notorious a place that all around it, the terrorists have very big strong holds. It was once the biggest nationalist Centre during the freedom struggle. It was in the vanguard of nationalism, patriotism. Pratap Singh Kairon, myself, Jathedar Uddham Singh Nagoke and Majhail who all fought for freedom, they are from this area. Pratap Singh Kairon represented half of the *Tehsil* and the other half was represented by me. For 15 years, I was a representative from Taran Taran in the Legislative Assembly. For 10 years, I was a Member of Lok Sabha from that Constituency. But ever since the Akali's Supported by Prof. Dandavate's Janata Party defeated us, we have been never able to recover the same. I had to move away to the adjoining constituency. Pratap Singh Kairon's family wanted Taran Taran to be given to them, but they too were defeated from there. So you can understand what type of area this Tehsil Taran Taran.

SHRI INDRAJIT GUPTA (Basirhat): You are talking about Taran Taran.

DR. G.S. DHILLON: Taran Taran was my home. It was my constituency.

SHRI INDRAJIT GUPTA: That is a liberated territory now, Sir-Taran Taran.

DR. G.S. DHILLON: I think, they have liberated me also. They have liquidated us.

They are thinking that I will be the man who will be coming back to the town and constituency. After the emergency we had a very bad experience. We all lost. I do not think that will be repeated again this time.

What are the reasons for coming up to this State of affairs from the earlier experience. I have completed my fifty years of political life in the last September. I have 50 years of my membership of my party. I started my legal practice in 1937. During this period, I have seen so much. At the time when the British Parliamentary delegation came, I was a practising lawyer. There were two sections of Akalis. Both of them helped the Quit India movement. There was a time when the Congress and the Akalis used to sing the same membership enrolment form. Then a time came when a section of them started helping in the Army recruitment for the Second World War. Later on, the same section started another movement called Azad Punjab. Azad Punjab meant, at that time — of course, it vanished — equal number of populations of Sikhs, Hindus and Muslims right upto the then Rawalpindi, and now Islamabad. But that could not come up.

Then came Sir Stafford Mission, and later Lord Pathick Lawrence. When they announced something like Pakistan, the Sikhs also put in their claims, not the nationalist Sikhs, not the Congress Sikhs, not our party, but the Akalis led by Master Tara Singh. They put in a claim, that they wanted a Sikh homeland. And the Mission asked them: 'Where is your majority?' And the then Governor, Sir Ivor Jenkins asked Master Tara Singh: 'Where is your majority?' Master Tara Singh could not mention any area at that time. Then Jenkins said: 'Should I tell you where you are in a majority?' At that time, before Partition, a very well studied case by the British Mission, came through the Governor. He said: 'You have a majority only in two tehsils of Punjab, the tehsil Taran Taran of district Amritsar, and the tehsil

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Moga of the then district of Ferozepur' — which I have represented, both Taran Taran, and now Ferozepur.

Master Tara Singh could not go further.

Then, after Partition, after the exodus from Pakistan the population went on swelling, and the population in the districts in which sikhs were short barely by 1% or 2% swelled, and now in the thirteen districts of Punjab, we have a population with sikh majority in five districts, equal population in one, and non-sikh majority areas in the other six districts. It is here that the old ideas of homeland was forgotten.

What were the demands later on, what were the demands after 1947-in 1955, 1956 and 1966? The simple demand that emerged after Partition was the script, viz. that the lipi of the Punjabi language in which the Holy Granth is written, should be language of Punjab, because in the University and in the offices, it was then written in the Persian script. Government could not accept such a simple demand without an agitation; then they accepted it. After that came the linguistic reorganization. The whole of India was divided on a linguistic basis; but Punjab remained bilingual, having both Punjabi and Hindi. These were the areas of the present-day Himachal Pradesh, Haryana the present Punjab, and the areas of the then PEPSU. It was a bilingual State. It went on very well till the Akalis came up with the demand saying that the rest of India was linguistically reorganized; why should not Punjab become a linguistic State?

There was a lot of agitation in Punjab, Punjab Suba Morcha and all that till the settlement came in 1956-57. I was at that time the Speaker of the Punjab Assembly. In 1956, the Akali Congress settlement was that Punjab will be having two regional committees and all matters concerning them will be brought before the two regional

committees and then they will be brought before the whole House Vidhan Sabha. It went on very well.

After this settlement, the elections in 1957 were held. It was here the Akali Dal abolished their political wing and all their MLAs at that time were elected on Congress ticket. Prakash Singh Badal came on Congress ticket. Another gift we got was Sardar Hukam Singh. Till Master Tara Singh started withdrawing, backing out of the settlement, it was all over by 1962. Then there was a re-organisation in 1966 by which Haryana, Himachal Pradesh and Punjab were re-organised. After that, a quarrel was started over the Capital. In 1970, Madam Indira Gandhi gave an Award that Abhor, Fazilka and Chandigarh will be interchangeable. If Punjab gets Chandigarh, Abohar and Fazilka will go to Haryana. So, over this, a lot of quarrel started and it developed by and by into what is called Anandpur Resolution, Ludhiana resolution autonomy and Khalistan and all that.

PROF. MADHU DANDAVATE: What is your view on this Bill?

DR G S DHILLON: You want me to at once jump into terrorism. They had nothing but this demand as small kirpan from 4" to 6", Golden Temple and all that-simple demands. Due to some obstinacy on their part of here, external influence and other forces, it has driven us down to this stage now. Sometimes there was Anandpur Resolution; sometimes there was agitation about Khalistan; sometimes it was Haryana; sometimes it was Operation Blue Star. Bhindranwale appeared on the scene. All that created such a mess in Punjab that the situation now has come to this. We cannot go to our districts either in Ferozepur or Amritsar without protection. There has not a single day passed when massacre after massacre did not take place, when force was not shown. What to do now? We have already an Anti-Terrorism

Act and other Acts. S. Buta Singh is now adding one more weapon to his armoury, but he will not use it so long as other effective weapons are there ; it will be used only, as I can guess, when other weapons fail.

Yesterday Bhai Shaminder Singh was very active here. I asked him about Badal joining Bhai Jasbir Singh's installation. He said, "what should we do? We have to care for our lives ." The Govt. have captured weapons AK-47 etc from terrorism. You would be surprised to know that it fires 600 bullets in one minute.

AN HON. MEMBER: Now it is a rocket.

DR G.S. DHILLON: Later on we have not seen much of that. These captured guns are being used by our police. Arms such as AR-15 made in America are also in use. He asked as to what he could do. When our forces have only 303s and old stereotyped stenguns, what would be the position? When with this sort of rear, everyday something is going on, what to do? We have to show some more arms and this is one of them.

SHRI SOMNATH CHATTERJEE (Bolpur): Emergency is an arm.

DR G. S. DHILLON: Yes. This is a reserved arm. When the enemy knows that this man has got more effective arms and that it is not only the rifle that he has got in his armoury, it may have some deterrent effect.

SHRI SOMNATH CHATTERJEE: Do you really believe in this?

DR. G.S. DHILLON: This may have some effect. None can be more credulous in this matter than myself. We have to accept it. Shri Chatterjee was asking me a very pointed question. He also comes from a State that had seen Partition. (Interruptions)

You should only pray for our safety.

SHRI SOMNATH CHATTERJEE: You have to save yourselves from the Government.

DR. G.S. DHILLON: This is the state of affairs through which we are passing. And this is a very limited sort of weapon. When we wanted it for the whole of India, there is a reason for that . But anyway, you did not like it. Shri Buta Singh was kind enough to amend it and confine it to Punjab only. If the emergency is in Punjab, if there is internal disturbance in Punjab and if some forces are at work in Punjab, from Bombay a man like Thackeray says, " I am going to boycott the Sikhs. I am going to do this and do that." Like this, if he creates some tension in Bombay and also in Punjab and if there is no emergency in Bombay....(Interruptions)

SOME HON.MEMBERS: There will emergency in Bombay too.

DR.G.S.DHILLON: It is not meant for any citizen. According to the assurance given, it is meant for such people as Bal Thackeray and others, who sitting hundred of miles away from Punjab, do not know what is going on in Punjab. They do not know the situation in Punjab. After the release of the priests, we have had lot of hopes...[Interruptions]

Jasbir Singh Bhinderanwale is Bhinderanwale's real brother's son. He just moved out of the country. There were a lot of allegations of crimes and murders against him. The Government of India wanted his extradition from one country. That gentlemen moved to another country. The Government of India went to the other country for his extradition. He moved to Philippines. Government of India went to Philippines for his extradition. There they succeeded and brought him and kept him back here. You can just imagine the generosity and the

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liberal attitude of the Government. They released him. They gave him a good airlift and all these priests and others have been received by the Governor of Punjab. I asked Buta Singhji whether he was aware of it. He told me categorically that he was not in favour of it. This man was taken very honourably to the Akal Takht and thus the whole circle was completed Bhinderanwale in place of Bhinderanwale.

What could be the minimum that we could have expected from these people? The minimum that we would expect from them is that they would at least make some appeal for peace and not to kill innocent people. We expect them to issue some sort of 'hukumnama' to the effect that killing innocent people is wrong and it is not according to the preachings of the Gurus and not according to the tenets of Sikh religion. But he declined to do so. The press people categorically asked him "We have come. Are you issuing the *Hukumnama*? He said: "No." Here it is this situation, the other situation is this. All the Sikh-Gurdwaras are under their control. SGPC, Luckily during the freedom struggle, was in the hands of nationalist Sikhs. I was an elected member of the SGPC during the British time. But after that, when India is free and so many slogans were raised-punjabi Suba, Khalistan and all such slogans, we, who did not contribute to such ideas, were thrown back and other elements replaced as. SGPC was the strongest body and formed after lot of privations and troubles, the Akali movement, and now that SGPC is non-functioning. It is almost defunct. They cannot hold a meeting at their headquarters in Amritsar. Every meeting they hold is outside, either at Anandpur Sahib or in Ropar district or somewhere else. They dare not go there. What to do under such circumstances, you can very well answer yourself.

I was a little depressed yesterday when

there was so much din and noise from opposition. I was very much distressed and disgusted. I sat here only to listen to their views as to what solutions they can suggest us out of the mess and that possibly could be through deliberations, through interchange of ideas and all that. But unfortunately for two hours, they went on shouting. The whole night it kept ringing into my head-Ramoowalia shouting and this man shouting, our people doing like this..(Interruptions) So, what to do with this situation? I will be so happy if you could help the Home Minister, the Members of the Parliament, and particularly those unfortunate fellows who come from border districts of Punjab. What to do in this situation. If not emergency, they oppose the Anti-Terrorism Act also, they oppose action against harbouring also. So, they should suggest us something. I asked a few Akali gentlemen yesterday. I am sorry they are not here, rather he is not here. "You are opposed to it. Tell us what should I suggest tomorrow so that there could be a little ray of hope in that solution." They could not tell anything. They said that they will tell it to me later. But now I have spoken. They may tell it to me after I have spoken. But thank God that this has come before them. They should take care of each and every aspect of this whole situation and then form their ideas. We will stand to benefit by that. I thank you very much, Sir.

SHRI SOMNATH CHATTERJEE (Bolpur): Mr Deputy Speaker, Sir our respect for Dhillon Sahib has always been there and we quite appreciate the agony with which he is now passing. Naturally, he has avoided all reference to the Bill because he cannot support from his own mind. But, Sir, I have no inhibition as he has...(Interruptions)

DR. G.S. DHILLON: I said at the very beginning that I support the Bill.

PROF. MADHU DANDAVATE: Sir, he is very frank. He said, the last emergency

was a mess and this he will declare in the next Parliament.

SHRI SOMNATH CHATTERJEE: Sir, I stand here to oppose this Draconian Bill which is nothing but a declaration of war on the people of this country. But I wish to warn this Government that the people will never again give up their rights under the Constitution and as free citizens of this country, without a fight and a bitter struggle.

What has been the record of this Government. Incomprehension, incompetence, inefficiency, inertia, intransigence, and institutionalisation of corruption that has been the hallmark of this Government. And to that record is now added a deliberate attempt of incarceration of the inalienable and the indisputable rights of the people of this country.

Right to life and personal liberty are not matters of charity of this Government. Such rights of the people, however, seem to be anathema to this Government which tries in emasculating the rights of the people, without being able to provide the minimum wherewithals to them.

Sir, the emergency provisions in our Constitution have become synonymous with Government repression and State terrorism and the word 'Emergency' has become the most hated word in India as the people had experienced how the emergency provisions of the Constitution were mutilised to suit the political and personal ends of one individual who was equated with the country. Sir, in a desperate mood to justify the reign of terror that has been let loose over the people of the country during those years the plea of internal disturbance that was taken to impose a second emergency in the country when the external emergency was in force, proves to be a hoax and sordid dramas were enacted in this country to justify non-events by sycophants and stooges who were ruling the

roost. Sir, there had never been in the past, prior to those years, when there was a deliberate deprivation of the human rights in this country, decimation of the constitution and the deliberate denigration of the legal, Political and judicial system in this country. Sir can the people forget those traumatic years of subjugation of human dignity by coteries of rulers whose hunger for power and for personal hegemony seemed to be insatiable? That is why when the people got an opportunity in 1977, they became free from bondage and in 1978 removed many of draconian provisions of the Constitution which were brought in by way of 42nd Amendment. But it seems that this Government has not learnt the lessons of history. Again that provision of internal disturbance which this House unanimously accepted should not find any place in the Constitution is being introduced. The Congress Party was a conscious participant in that process of consensus and they accepted through leaders here in the House that such obnoxious and dangerous concept of internal disturbance should not find any place in Article 352 of the Constitution. But in their hunger for more power and to cover up their inefficiency and their total failure on all fronts, now they think that this will be their panacea. Sir, as I said, the people will never accept it. Whatever may have been the propaganda in the official media and whatever you may go on saying, abusing the others, the common people of this country, the Bharat 'bandh' of 15th March 1988 has shown the commitment and the resolve of the common people of this country, not to accept any repression and not to accept anti-people policies of this Government.

Sir, it is necessary to remind ourselves that on the floor of this very House in the year 1978, when the 45th Constitution Amendment Bill was being discussed-it became 44th Amendment Act that was said by the then Congress leaders? Dr. Syed Muhammad said: 'Yes, it was an aberration, Emer-

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gency was an aberration and should not be repeated.'

Mr. Hitendra Desai said: 'Yes, there was subversion of Constitution. Admitted that'. And he said, his party was opposed to Emergency on the ground of internal disturbance and armed rebellion even. Now, Mr. Hitendra Desai is very much back in your fold.

Sir, when we were discussing the amendments that have been proposed, I had the privilege to take part in some of those discussions. A very young, sober and right thinking Member sitting on the Opposition then had proposed an amendment for deletion altogether of the provision for internal Emergency. He is now one of the Ministers in the Cabinet. I do not want to embarrass him, but his name appears in the records of this House. He said:

"I rise in support of the demand and my amendment is also to the effect that the power to proclaim Emergency on the ground of internal Emergency to be deleted and removed from the Constitution. It has already been pointed out here how not in the very distant past this power has been abused, how on the assumption that internal Emergency was there when in fact it might not have been there, this power has been exercised, has been abused on the plea of internal Emergency."

Sir, he was a young Member, who is now adorning the Treasury Benches.

Another Member, quite an active young Member then, who subsequently became the Home Minister in the Congress Ministry is a State said.

"My amendment is not moved as it is the

same as the amendment of Mr. Chatterjee. I fully support this amendment. The demand made by him to take away this internal Emergency completely will be receiving our support."

Then, Mr. Dhirendranath Basu—he left you, it seems. He said he appeared to be speaking on behalf of the Congress Party:

"In clause 38 I want the words 'internal disturbance' or 'armed rebellion' must be deleted. That is what we have been saying since long."

Now, Mr. Deputy Speaker, Sir, you will appreciate that the Forty-fourth Amendment Act could become a law because the Congress Party had given its support in view of its strength in the Rajya Sabha. They readily agreed to that. What was the agreement? That in this country, never the people will lose their right on the plea of there being internal disturbance. This was the commitment of the nation then. And I can name a very distinguished Cabinet Minister at present, Mr. Vasant Sathe—I was trying to protect the junior Ministers. Mr. Vasant Sathe said that not only 'internal disturbance' should go, even 'armed rebellion' should not be included because that was prone to be abused. He said

"Either remove the provision of emergency altogether or otherwise, this armed rebellion business has no meaning.. It is very dangerous."

The commitment of a political party which is ruling this country for years together, has it got no bearing? Has it got no relevance? Now, this very provision of internal disturbance is sought to be introduced with all its dangerous implications. Can the people be blamed that in this country the very concept of Emergency has become abhorrent to all right thinking people, to all lovers of democ-

racy and parliamentary system of Government? It has come to represent a most obnoxious system of autocratic behaviour. What is its effect immediately on the Fundamental Rights? I shall come to it when I touch the scope of its applicability, territorial applicability.

Sir, it had been admitted by the Attorney-General of the then Congress Government that during emergency there was no right to life. If somebody is detained and arrested even in false identification, he has no right to go to the Court and say: I am not that man whom you want." If there is nobody-else, any person of the same name who is held guilty, he has no access to Court. Where shall he go? Only the Police have arrested him. There is no scope for trial. He will not be put up before anybody if he is detained under Preventive Detention Act or even otherwise. Article 19 is automatically suspended. Then, you are suspending Article 21 also. People are killed. If a person is deliberately killed because of personal vendetta, he has no right. His family has no right. (Interruptions) His family will not have any right. (Interruptions) It is a matter of joke for you, Dr. Rajhans. Please don't do that.

Sir, unfortunately, the Supreme Court of this country held that as if the right of life is a product or a gift of law of this country to which Justice Khanna did not agree. We are very unhappy with that *habeas corpus* Judgement of Jabalpur case. It opens up almost unlimited scope for misuse. Constitutional provisions. That commitment has gone. That commitment is being totally jettisoned today. Can this Government not function now without the emergency powers? Can you not function with the laws that you have already armed yourself with? I shall give a list of those laws under which that can be done. The press censorship can be imposed throughout India on the basis of this law. You can regulate meetings in Delhi in connection with the Punjab matter. You can say that

they will not be able to take out a demonstration, a peaceful march for restoration of normalcy-not in Delhi-in Punjab. You can stop all information regarding Punjab coming to the knowledge of the people. A veil of secrecy can be imposed. Total censorship can be imposed taking advantage of the laws that may be passed under this.

Sir, it is being said that our objection is on principle; our objection is on our commitment. They are trying to justify this by saying that it will have a very special application for a special situation in a limited territory, and may be only for one or two districts of a State of this country. Then, why are you bothering? The Government can not do it with regard to the rest of the country? I charge that either it is deliberately being stated or they are trying to fool the people of this country or they have not even properly applied their mind to the situation.

Under this provision, the Government will acquire widest powers even if there is an emergency declared with regard to a part of Punjab and after this becomes a law, it is a part of the Constitution. Look at Article 83 of the Constitution. Kindly read Article 83 of the Constitution—the proviso. It says: "Provided that the said period may—viz. Period of five years for the duration of Lok Sabha—while a Proclamation of Emergency is in operation—please note it is a proclamation of Emergency and it does not say over the whole of India—be extended by Parliament by a law for a period of not exceeding one year at a time..."

14.00 hrs.

You can go on extending the period of this House. Well, we will not accept a mere statement from the Minister that we have no such intention. The protection must find a place in the Constitution itself.

Then Article 250. Whenever there is a

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proclamation of emergency, Parliament gets automatically all the powers to legislate with regard to any of the matters enumerated in the State List. If there is a proclamation with regard to whole or any part of territory in India, then it can legislate with regard to any State Subject. List II, Seventh Schedule of the Constitution becomes totally irrelevant. Then Parliament will arrogate to itself the power with regard to all the State Governments, although there is a proclamation with regard to one district of a State. Then Article 353. It can give directions, orders to any State Governments...(Interruptions)

I am talking to the saner sections. I hope there some saner section.

PROF.MADHU DANDAVATE: He has not addressed to you .

SHRI SAIFUDDIN CHOWDHARY
(Katwa): You go out.(Interruptions)

SHRI SOMNATH CHATTERJEE: I will give you details. This is a very serious matter to be interrupted like this. Article 353 specially contemplates exercise of such powers when there is a proclamation in a part of the country. Similarly, Article 358, Article 359 of the Constitution deal with the Fundamental Rights of the people-Article 19, 20, 21, and other Rights. Although, the proclamation will be operational in a part of the country, it expressly provides that it has its effect in a State, in an area where proclamation is not in operation. Only condition is that in that part, because of the activities in this part where they are not in operation or activities where it is in operation, it will have an effect on that part where it is not in operation. It will not be a justiciable issue or a matter. Who will decide this Government will decide this.

Then, a point will be taken that you have no access to court because Article 19 has

been suspended, Article 21 is suspended. All the Fundamental Rights have been suspended. You have no access to court. That was upheld by the Supreme Court of India. For that purpose, you are taking this power. Therefore, your mere statement that it is restricted to a part of the country is not acceptable to us. It is bound to have repercussion in all the States of the country. They say: if they are sincere, if they want to make their intentions clear, they should bring in amendment to clarify the position with regard to the restrictions of the rights of the citizens under different provisions of Articles 353 354 and so on and so forth. I have mentioned it. They must incorporate that protection in the Constitution itself that this proclamation of emergency has been made with regard to a part of the country and will not be utilised for extension of the life of this House. No such amendment has been brought.

Kindly consider it. They say: the situation has become such that we cannot control without more powers. Without more powers means more administrative powers, more police powers. Who has brought about this situation today to this part? It now appears that the Punjab Accord was more of an exercise in personal relationship for the Prime Minister than for anything else. Hardly it has been implemented. One of the greatest secular leaders of this country Mr. Longowal has sacrificed his life. Then, what has happened thereafter? He was a nationalist, he was a true democrat. What has happened? How the blood that was spilled from the body of Sant Harcharan Singh Longowal helped in normalising the situation? He gave his life; but in the way the Government have treated the Punjab problem, it has escalated and has become more and more complicated. Now, it has got into the hands of fundamentalists who are openly preaching for Khalistan. (Interruptions)

The Government neither lacks the

administrative or the legal powers. Even all the people of this country are very keen, all the parties have expressed their keenness to maintain the integrity and unity of the country and they are demanding action on behalf of this Government and the ruling party.

The Punjab Accord has almost become a dead letter unfortunately. You did not allow the Barnala Government to function, although you paid all sorts of encomiums to him through the President's address. Then he was dismissed. Then you brought in the President's rule as a panacea of all evils of the problem. But it has accentuated the problem; it has not solved them. You have got all the laws in your hands. You have got the Anti-Terrorists Laws, more and more draconian, the National Security Act, you have amended the National Security Act; for the purpose specially of Punjab, and this House has given you all the powers, although in principle we have objected.

Then the election that preceded resulted in the installation of the Barnala Government. The Prime Minister said that the democracy has won although the Congress Party has lost. According to us, democracy has won because the Congress Party has lost! What happened to the expression of the will of the people in that State? You did not allow the people's mandate to be operative: even to be effective. You dismissed the Government, you kept the Assembly in a suspended animation. For what purpose? What steps did you take to bring about a political solution for the problem there? How did you try to take the help of the moderate political elements in this country? How the other political parties' help was sought in that context? My party and other left parties also have taken active steps Sir. They have sacrificed their workers. Our comrades have lost their lives.

AN HON. MEMBER: Have you made

any suggestion at that time?

PROF. MADHU DANDAVATE: Yes, a number of suggestions. We had almost settled all the issues; but for political reasons they declined it.

SHRISOMNATH CHATTERJEE: Then the Assembly is dissolved. No reason is being given as to why the Assembly is dissolved; not a single reason is given, except that it is not possible to bring back the popular rule. Then the number of killings have increased.

Look at the Governor. He says, 'well this is all propaganda of the media. Only five minutes trouble is there in 24 hours. For 23 hours and 55 minutes there is no difficulty and you are only magnifying the problem of five minutes': Can this be the attitude of a responsible administrator? And you have put the charge of Punjab in his hands! He wants that, as he is the Governor of Punjab, if there is incident in every minute, it would give him more prominence. Wonderful way of looking at things.

What is the law that is not available? What power is not available to this Government to deal administratively? They can keep people in detention without even being produced in the court. National Security Act has been amended. For months together, even without the opinion of the Advisory Board, they can be kept, although we are against it in principle. We shall always oppose it. But the way they are going about it, even they are not satisfied with this draconian power in the National Security Act.

Now, the Anti-Terrorist Act is there. They can be tried immediately. The other day we had a discussion and Mr. Bhatia—leading member of the ruling party—said that the police are afraid. Police are demoralised. Judges are afraid of hearing cases. Therefore, we want emergency. But, Sir

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Emergency does not *ipso facto* add powers to the administration. What it does is it takes away the rights of the citizens of this country who voice against the Government's illegal activity. People are not even now challenging your actions. You are arresting so many people. Who has challenged it? How many have been released because judges are afraid? Can you instil courage in Judges' minds by declaring emergency? Will police tomorrow become more effective and lose demoralisation just because there is emergency? I do not find any explanation given as to how the declaration of emergency can bring about a change in the content of the situation in the country.

Today the problem of Punjab has become more magnified because of this decision taken by the Government. You have released 40 Jodhpur detainees. Why not other? For years they are being kept there. No action is being taken. Only forty of them have been released. Dr. Dhillon said that a good thing was done by releasing five head priests. Now what good thing has been done? I was waiting to hear from Dr. Dhillon. Now what they are doing. They have said that only the militants will have the right to negotiate with the Centre and it is militant youth demand which has to be accepted. Now their past is not such which gives any sense of hope or confidence. The men who have been now put in the leadership of the Sikh community are those imbued with the ideology of extremism. This has provided encouragement to the extremists. They have realised that Government has nothing to do with the moderate political elements in the State. No consultation or discussion is taking place with other political parties but a Bill like this is brought which is supposed to tackle the most serious situation in this country as is prevailing in Punjab. No discussion with the Opposition parties has taken place. No consultation and no suggestion has been taken from them. We have repeat-

edly said that what has been done today is that you are making the problem more serious by bringing in the people and putting them in place of authority who have been preaching for secession, who are still today saying that they have not deviated from the demand for Khalistan, who are supporting all the decisions taken by Sarbat Khalsa and now in the name of SGPC and in the name of the official body of the Sikh community you have given them a statutory and a legal credence which they never had. This is the seriousness of the situation.

Sir, that is why we have been saying there has to be an all India campaign by all the political parties and we know that the ruling party is not willing any longer to take any part. They only believe in arming themselves with draconian powers. People are considered as their enemies. That's why, whether it is DTC strikers, who are fighting for their very subsistence or the common people of this country, they want to take repressive actions against the people of this country because the people are your enemies. Therefore, we say there has to be all-India campaign to remove the irritants which are now there. That's why we demand the release of Jodhpur detainees. We want the punishment of those guilty for Delhi riots. What has happened to the Rangnath Mishra Commission? What has happened to the Jain-Bannerji Committee's recommendations? Nothing has been done. We want a proper and early implementation of the Punjab Accord which we supported. We want that the patriotic and the revolutionary traditions of the people of the Punjab, on the basis of the democratic support from the whole of the country, will have to be there so that they can stand up and there is a political solution to fight the terrorists. Merely by administrative actions on the basis of draconian laws, you cannot solve this problem.

Sir, this Government in all solemnity brought a resolution in the Rajya Sabha in

the year 1986. Article 249 was, for the first time, resorted to. What was the reason then given? It is very important. The reason then given was that the Barnala Government is not taking certain actions and it has become necessary for the Central Government with supposedly wiser approach and more effective approach in the matter, that Central Government will pass appropriate laws for the purpose of supplementing the actions or the decisions of the work of the Barnala Government. That is what our distinguished Home Minister he is making some sort of a record for remaining for two years as a Home Minister still says.

"This will give the Government necessary authority to frame legislation with respect to the matters that from part of the State List."

He said further:

"The Government experience concerning the problem of terrorism and anti-national activities and evidence coming to the Government suggests that it is not merely a matter of internal disturbance but there are forces from beyond the borders which are behind such activities actively. The problem itself can hardly be dealt with by the border State alone. This is clear indication that the authority of the Centre should be activated. For that purpose, Centre has to arm itself with the effective powers to legislate even on the subjects which happen to be in the State List."

Now you went there in the Rajya Sabha and said that even the Opposition has suggested this and it was passed. Now what has happened? It was passed in August 1986. Today, we are in March 1988. How many laws you have enacted? Now you also put an end to the Barnala Government which came under your complete hegemony. Now you

have also power to pass laws because of the dissolution, under Article 249. What has happened? Which laws you wanted, you could not pass? Which administrative power you wanted, you did not get? There is a whole list of laws which are applicable specially to Punjab also apart from other areas.

You despatch Army to Tripura two days before the election on the plea of being a disturbed area because 97 persons-it appears that suspicious now-were killed. It is very dangerous. We are against it. Now that has stopped because of the Army. What power you did not have?

Now what is being said? Mr. Buta Singh said in the Rajya Sabha...

MR. DEPUTY SPEAKER: Wind up, Sir.

SHRI SAIFUDDIN CHOWDHARY:
What wind up? (*Interruptions*)

SHRI SOMNATH CHATTERJEE:
These are matters of importance in the history of the country. What did he say? (*Interruptions*)

To quote Shri Buta Singh, Home Minister:

"Shri Jaswant Singh brought out a list of 15 Acts through which we could deal with this kind of a situation."

Sir, laws are there. No denying of it. But Sir, that law in the statute book itself will not come to the rescue of the people. There has to be a political will, there has to be determination, and there has to be an adequate organisational set-up on the field itself which is committed, which is prepared to die for the security and the integrity of the country."

It is that thing which is lacking. In whom?

[Sh. Somnath Chatterjee]

In the Barnala Government. He says that Barnala Government is not utilising these laws. He says that there are 15 laws and the Barnala Government is not utilising them.

"Every hon. Member knows that this Anti-terrorist Act can be applied only after we catch the terrorists. After we catch the terrorists, what is the logical follow up? FIR has to be registered. Information has to be collected. They have to be prosecuted. But, Sir unfortunately, this experience of ours in Punjab is contrary to what should have happened. Nobody comes forward, what to speak of FIRs? If a terrorist enters a village, those hon. Members who have gone to Punjab, during these days will bear with me, there is nobody in the whole village who will point a finger that somebody entered from this end and went to that end. The people are so much afraid. And, Sir, often it has been found that the law enforcing authorities also failed to do their duties properly. Therefore, this Anti-terrorist Act can also be implemented only if there is a political will and if the authorities are ready to operate without any hindrance, without any political interference."

He said that because of the political interference, the Barnala Government is unable to implement those laws. Now that political interference is not there, now that Barnala Government is not there and for the last one year, you are functioning. Then, why are you not able to implement these laws? I would like to know what more laws, the nature of the law they will pass. No new law, I think, can be passed. What will happen is that you take all sorts of action that nobody will be able to go to court. We would like to know, the people of this country are entitled to

know, how many persons have been released by Court of Law inspite of your opposition. Under the Anti-terrorist Act, if the public prosecutor opposes, nobody will be granted bail until the Court records a finding that there is no case against him. Give us the particulars. We would like to know, how courts are standing in the way of the proper solution of the Punjab problem. Whom do you want, to make a scapegoat on this side? Is the Constitution of India a matter of play thing? Can you play with these minimal rights, the fundamental human rights of million and millions of the people of this country, just because you cannot explain otherwise your failure? It is the completest admission of their failure to run the affairs of the country. You are not taking political action, you are not taking proper administrative action. This is now the dangerous situation which we are facing. Now you come with a law which I shall try to indicate is destructive of the very minimal but important rights of the people of this country. They may be starving and half-fed. At least, they have the satisfaction that they are citizens of an independent country. They have the right of speech. They can stand up and oppose, acts of repression. I am not here today at the beck and call of anybody and everybody. When there is emergency, that human dignity will be lost. Today we have seen how power is misused, more misused during the emergency and that is why everyone in this House, when the 44th Amendment Act became law, 45th Constitutional Amendment Bill was passed by this House, everyone in this House including the Congress leaders who spoke, accepted and gave a commitment to the people. No. That type of experience will never be faced by the people in future. We shall never have any emergency on the plea of internal disturbances and even Mr. Sathe as I read out opposed inclusion of armed rebellion. This Government is going back on that commitment. This ruling party which is today, which was there in that House in 1978, they are openly violating that commitment today and

just to explain their complete bankruptcy in functioning and complete failure in bringing about a solution in Punjab. More they have put their fingers in Punjab, the more they have complicated the situation. That is why they brought in President's rule and then dissolution of Assembly. The situation is becoming more and more serious. They want to create a situation of fear psychosis in this country, but will the fear psychosis be there in the minds of the terrorists who are using AK 47 and today we find that they have used rockets. Will they be deterred by your emergency powers? It is as if those who are openly announcing that they will not follow the Constitution of India, they want to threaten them with their Constitution which these people do not follow. This is the irony of it. The irony of it is that they want to contain and solve the problem of terrorism by shaking hands with those who are openly preaching and practising terrorism. This is the complete political bankruptcy of the Government.

I shall make my detailed submissions on the amendments I have given, but at the moment, I oppose this Bill. This cancer should not be inserted in the Constitution of India. Many many imperfections have been brought into the Constitution, but let this cancer not come into the body-politic of Indian Constitution. It is the organic law of the country, it is too important a document, important parchment which should not be played about or trifled by some inefficient and incompetent administrators that we have in this country.

SHRI TARUN KANTI GHOSH (Barasat): Mr Deputy Speaker, Sir, I was listening intently to the speech by my hon. friend, Shri Somnath Chatterjee. I have got a great respect for him and I consider him as a good friend of mine. As a matter of fact, before I make my speech, I would like to state that I consider every political party and every man

belonging to every political party as loyal to the country as we are. Fundamentally, I could not understand why they were opposing this amendment when the things that are happening in Punjab are all well known to them. In fact, if the opposition parties give a definite solution, I am sure, our leaders would certainly consider that. But today what is happening in Punjab is too serious to be overlooked and to remain silent.

14.28 hrs.

[SHRI SHARAD DIGHE *In the Chair*]

Punjab is a border State and all sorts of conspiracies against India could be hatched beyond the border and if we do not take immediate steps, the sovereignty and integrity of India would be jeopardized. India is one country and there is no question of any part of India being taken out of India; not a village, not even a square mile can be taken away out of India. Unfortunately, a group of persons have been openly saying that they want to divide India and create an independent State of Khalistan. Before I go to the other facts, I would like to say that if we blame the Sikhs only, it would be absolutely wrong because terrorists have murdered almost an equal number of Sikhs as also Hindus. The people of this country should know this because when we give the figure that so many people have been killed, there is a feeling that only Hindus have been killed. This is wrong. The terrorists are killing Sikhs and Hindus almost in equal number. Really speaking, it is a suffering of the entire population of Punjab. I would like to tell Shri Somnath Chatterjee who is a big Barrister- I am not who is a Constitutional pandit. As I said, in the very beginning, Prof. Dandavate or for that matter anybody else here is certainly a patriot. But there is one point where I differ. You all and we certainly want the good of India but you are trying to take advantage of every unfortunate political situation. That is where the fault lies.

SHRI SOMNATTH CHATERJEE: Our comrades are killed there.

SHRI TARUN KANTI GHOSH: Yes, I know that. I did not say that your comrades are not killed. I have never said that. What I was saying was that when this Constitutional amendment was moved, you should have come forward with the full support saying that these are the provisions where we want changes. But you wanted to oppose the entire amendment. I could not understand it. We have seen what the Barnala Government did. Killing went on and so many people were killed. The entire Punjab was being ransacked. Punjab is a very precious State of ours. We are all proud of Punjab and its history. It is a very prosperous State. There was no bickering in Punjab and what they are doing now. They are destroying Punjab. The Barnala Government was there up to 1987 and you very well know what all happened during that time. When the President's Rule came, there was some improvement and there is no doubt about it. But still killings are going on. Innocent Sikh brothers and sisters, Hindu brothers and sisters and the Indian brothers and sisters are being killed every day. How to stop it? If the present law is sufficient then certainly it should have been stopped. But today we are facing a situation where we cannot sit idle. We have to take every measure which is necessary to save Punjab, to save the brothers and sisters of Punjab and to save the India from going towards the destruction. Shri Somnath Chatterjee said that we are losing the confidence when this Bill was enacted. What we are doing today, I would like to ask him. The Parliament is the biggest forum in a democratic country and today the Bill has been brought here. Now, it is for you to say as to what are the good things and what are the bad things in it. And I am sure if your suggestions are good, Buta Singhji and the Government will listen to them. There is no doubt about it. After all Butaji himself is a Sikh. He comes from Punjab and

the good of Punjab is in his heart. There is absolutely no doubt about it. So, why do you want to oppose it from the very beginning? Do You know the figures regarding the number of persons killed? I was trying to get the figures from Shri Chidambaram. So many people have been killed. About 845 Hindus and 775 Sikhs have been killed. Almost an equal number of Hindus and Sikhs have been killed. There had been so many robberies. There has been no industrial progress in Punjab during the last 3 years. There has been no economic development in Punjab during the last 3 years. A prosperous State like Punjab is gradually coming down to a position where it was never in the past. Therefore, I would like to appeal to the Opposition Members that instead of taking these issues as political issues kindly take politics out of it. Kindly realise that this is the question of human dignity and human rights. It is a question of good for all the country.

Somnath Babu was speaking about the freedom of the press. He should know that I come from a family where my grandfather (Shri Tushar Kanti Ghosh) started his newspaper to fight against the British imperialism. It was 130 years back. I am his grandson. I am happy that he is still alive. So, I come from that family. I know what is the freedom of the Press. Many a time. I have talked with the Prime Minister. He believes in the freedom of the Press. He goes out of the way to ask me, "Is everything all right in the Press?" If you want to say that he is trying to destroy the freedom of the Press, then I would say it is absolutely wrong. Kindly do not bring politics in that way. What I would like to say is this. There are some Punjabi friends, my Sikh brothers sitting here before me. I would like to tell them one thing in particular, I come from Bengal. But I consider myself an Indian and I am proud of you people for what you have done for our country. How bravely you suffered in Jallianwala Bagh. Today, I have seen a programme on Bhagat Singh in 'Aaj

ka Din' Programme in the television. I was feeling so proud watching the programme and tears came to my eyes. Such a young man as Bhagat Singh died for the country and not for Punjab or not for just a few villages.

Every political party must support this amendment. Everybody must stand up and say, "Rajiv Gandhiji, you go ahead, we are behind you to stop this madness in Punjab. Make our country free from terrorism forever." Dandavateji, you are an elderly man and I have great respect for you.

PROF. MADHU DANDAVATE: I feel sorry for you.

SHRI TARUN KANTI GHOSH: I never indulge in saying things unnecessarily to anybody. But today I want to speak because I want to open my heart. What is happening today? Every man who loves this country is crying in his heart for what is happening in Punjab. Therefore, I appeal to you to stop this opposition and to help Buta Singhji and Shri Rajiv Gandhi who are trying to stop this madness in Punjab. Just see what a handful of people are trying to do in Punjab to divide Hindus and Sikhs. Can they do so? Impossible. Our kinship is indestructible. So, let us announce from here that we are all united to fight terrorism and that we will remain united to stop this terrorism once and for all.

With these words, I would like to give my full support to Shri Buta Singh's amendment.

PROF. MADHU DANDAVATE (Rajapur): Mr. Chairman, at the very outset, I want to go on record regarding the constitutional validity of this Constitution Amendment Bill and also the legislative competence of this House to consider the Bill. Sir, the very Bill emanates from Article 368 which gives power to the Parliament to make

amendments in the Constitution. There was a lot of constitutional controversy whether Article 368 is absolute or there are any limitations put on the constitution-amendment powers under 368.

Right from the beginning, there have been so many judgements-Sajjan Singh case, Shankari Prasad case, Golaknath case and then the Keshavananda Bharati case. In the Keshavananda Bharati judgement, the Supreme Court had given a specific judgement and so long as that judgement has not been modified and revised, that is the law of the land as far as the ambit and amplitude of Article 368 is concerned. That judgement very categorically says that the amplitude of Article 368 to amend any part of the Constitution is wide enough. It extends to every part of the Constitution subject to the restriction that amending powers under Article 368 cannot be utilised to destroy the basic democratic features of the Constitution. And it is my contention that when there is an effort to see that Article 21 is suspended and protection to life and liberty of the citizens is being destroyed even in the case of Punjab, I would treat that as an encroachment on the restrictions and limitations put by Keshavananda Bharati judgement. And I want to assure this Parliament, whatever be the position that the Parliament takes by brute majority, people like me will seek judicial remedy in the court of law to challenge the constitutional validity of this Bill. That is the last resort open to us and we will try to settle the account there if by majority, you try to settle the account here.

THE MINISTER OF HOME AFFAIRS (S.BUTA SINGH): Is it a threat?

PROF. MADHU DANDAVATE: No. This is not a threat. Constitutionally, a threat. If it is a threat, it is a constitutional threat, just as Emergency is a constitutional threat to the citizens' freedom.

S. BUTA SINGH: This is a threat to Article 368.

PROF. MADHU DANDAVATE: I am reminded on this occasion, when we debate this limited emergency to be applied to Punjab, about the debates in the Constituent Assembly.

Once when I went through the Debates of the Constituent Assembly regarding Article concerning Emergency, no less a person than Dr. B.R. Ambedkar had said during the debate while replying to the observations made by Shri H.V. Kamath and a number of others and he had gone to the extent of saying that "Article concerning Emergency in the Constitution will be taken advantage of in the future."

He said "that even as the provision of Emergency in the Weimar Constitution was misused by Hitler to destroy democracy in Germany, this particular Clause can be utilised in the future in a similar manner".

AN HON. MEMBER: Hitler.

PROF. MADHU DANDAVATE: Yes, Hitler. We saw another Hitler rising in 1975. Therefore, while replying to that, Dr. B.R. Ambedkar believing on the good sense of the rulers to prevail, he said, "I know that this particular Article concerning Emergency can be misused. But I hope because of the rulers of democratic India, it will remain a dead letter." Unfortunately, the caution that was sounded by Dr. B.R. Ambedkar remained unheeded in 1975 and today it remains unheeded in 1988.

I wish to remind you, when we are going in for the adoption of this Bill, that in 1975, there was an emergency promulgated, when Mrs. Gandhi was the Prime Minister of the country and in spite of certain checks and balances and inner safety valves, Articles and Clauses in the Constitution were misused. Emergency was declared. The freedom was taken away. I want to remind once more those who do not remember the

Emergency of 1975, that in 1975, when large number of people were detained under MISA, I happened to be a humble citizen, who was also detained for two years. What happened then? At that time, a very important question came up. It is a constitutional question. I want to remind the House about that question today. The question was that once the emergency is promulgated, the fundamental rights are suspended. Under MISA the detainees are kept behind the bars. If some excesses take place behind the bars, will not the relations have any judicial remedy, will they not be allowed to go to the Supreme Court? The question was pending. I remember, during emergency of 1975, when I was in the Bangalore Jail, I filed a petition in the Bangalore High Court and challenged not only our detention but I also challenged the proclamation of emergency. But on various grounds our petition was dismissed. One of the reasons was, the judgement of the Supreme Court had already come. I want to narrate one important observation in connection with the case that was conducted. You remember, when the rights of detainees were being discussed in the Supreme Court, the Attorney General at that time said "Once the emergency is declared and the fundamental rights are suspended and when detainees are detained under MISA even if anything happens, no judicial remedy is available to them. "They cannot go to the Supreme Court. I remember Justice Khanna very sharply asked the Attorney General "Mr. Attorney General, imagine an over-enthusiastic Superintendent or Jail authorities kill a detainee behind the prison bars. Will not the wife of the detainee who has been killed has the doors of the Supreme Court open to seek a judicial remedy?" And in that case, I quote what he said. The Attorney General, Mr. De said: "Your Lordship, your conscience will be shocked, and my conscience is also shocked. But I must state the legal position: they will have no judicial remedy." (Interruptions) That was what he said.

Remember these consequences when you try to proclaim Emergency even for a limited territory or a limited State. I would like you to take note of that. I remember what happened during the Emergency; and Punjab will have to face that. I would like to remind my friends from Punjab, and remind my colleagues throughout India that what happened during the Emergency is likely to happen in Punjab if the Emergency is clamped in Punjab.

What happened? When I appeared before the Bangalore High Court and when we challenged the Emergency and challenged our detention, during the procedures, three interim orders were issued by the Chief Justice of the Karnataka High Court. But they were not allowed to be published in the newspapers at all. There was a total censorship. But in the end, when our case came up for final hearing and dismissal, the Chief Justice said that the Supreme Court had already delivered the judgement and, therefore, this case would become infructuous. He asked: 'Have you any statement to make?' I said on that occasion in the Bangalore High Court: 'Your Lordship, not only we are supposed to be a threat to the security of the State during the Emergency, but Your Lordship, you too seem to be a threat to the security of the State. That is why some of the interim orders that you have issued were not allowed to be published in the Press at all.' And thereafter I sat down with the cryptic statement: 'Our freedom is dead; long live your freedom.' That is all I said, and I resumed my seat. These are the consequences that are likely to take place.

Let me also remind you that when you have picked out Punjab and you have decided to apply this particular Bill to Punjab—you are opposed to Khalistan; you are opposed to separating Punjab and isolating it from the mainstream of India and you do not want to isolate them from the mainstream of Indian politics. But by clamping the emer-

gency or making a provision to clamp emergency on Punjab under false pretexts, you have already, constitutionally and in your perception, actually accepted the concept of Khalistan, as far as the question of emergency is concerned. You have already given them a feeling that you are going to treat them not on par with the rest of the country, but that you are going to have a privileged position for them, in which all their privileges will be destroyed. That is the situation which you have already created.

By isolating Punjab, you are trying to create a situation in which you have made them more desperate. When we challenge even certain failures on the part of the Government, as far as constitutionalities are concerned, I know they will have in advantage, viz. Article 74(2). No doubt, after we have amended the Constitution, a number of restrictions have been put forward. For instance, it cannot happen as it happened in 1975 when the then Prime Minister got the Emergency proclaimed from the President of India, and the next day, early in the morning, she called a Cabinet meeting only to tell them: 'I have called you only to inform you that the Emergency is already proclaimed.'

According to the 44th Constitution Amendment, according to the new amendment which was introduced in 1978, the Cabinet has to take a decision, make recommendations to the President; and they have to communicate their decision in writing. All those safeguards are there. But Article 74(2) is there. First, Article 74(1) says:

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President...."

But Article 74(2) says:

"The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any Court."

[Prof. Madhu Dandavate]

Though Mrs. Indira Gandhi had committed a great impropriety and a breach of Constitution, she had escaped it being challenged in a court of law only because of Art.74(2) which says 'whether and what advice has been given by the Council of Ministers to the President shall not be enquired into in a court of law.' Therefore, she had gone scot free. The same thing is likely to happen again, though we have raised a question of constitutionality, though we have raised a question of legislative competence of the House. All these questions will have to be settled in a court of law. But as far as other aspects are concerned, I am sure, they will take shelter behind Art. 74(2) and that is exactly the constraints that will be acting. What exactly will be the immediate effect of even announcement of the desire of the government is to have some sort of a legislation like this. I would like to draw your attention to that. From March 7, 1988 when the intention of the government to promulgate emergency through such a Bill was already declared, their intention to have 59th Amendment Bill was already indicated. Till 14th of March when actually the Bill was introduced in the Rajya Sabha, during that time there was a new spurt of violence resulting in 17 death in Punjab. So, the immediate effect of the declaration of the intention of the government to promulgate emergency or have an enabling provision to have emergency in Punjab was that 17 men were killed; and of course 17 terrorists were also killed by the police. Even when five Sikh priests were released from Jodhpur as also others were released from the Jodhpur Jail, 15 persons were killed. Whether it is an appeasement or whether it is a threat; neither the threat has helped in normalising the situation or the appeasement has helped in normalisation the situation. As my colleague Shri Somnath Chatterjee has said that it is only by finding out a political situation of the wax problem of Punjab that you will be able to restore normalcy in that particular State;

that point has to be taken note of. Now what is the *RAISON DETRE* of this particular Bill that has been brought here? They say that they want measures to check the situation in the Punjab. I want to ask a simple question from the Home Minister when he raises to reply to the debate or when another Minister intervenes in the debate. Why has the situation in Punjab not been controlled? Is it because of absence of enough legislation, administrative measures? We have the National Security Act; we have the Terrorists and Disruptive Activities Prevention Act. But it is a great irony that we sat upto night to adopt this Bill; and for months together, the rules required to be framed in connection with implementation of this particular Act were not framed at

(Interruptions)

PROF. N.G. RANGA (Guntur): Yes.

PROF. MADHU DANDAVATE: It was admitted here and Prof. Ranga also criticised the government why for months together they did not frame the rules; unless rules are framed, even the legislation which has become an Act, cannot be implemented at all and as a result of that you find that it remains just on the anvil. it could not be implemented. Again, you have the Punjab Disturbed Area Act. Then you have the Punjab Armed Forces Special Power Act. You have the sweeping powers to deal with the problem of law, but what are all these measures for? You will be shocked and surprised to know that the National Security Act and the Terrorists and Disruptive Activities Prevention Act, instead of being used for dealing with the law and order situation in Punjab; they are being misused to deal with their trade union problems. When there was an agitation among the textile workers in Ahmedabad, they utilised this very law to detain certain persons. It happened in a number of States. Therefore, instead of utilising this measure to maintain law and order situation in Punjab; they are actually

utilising it for other purposes.

But anyway all these laws are there and even they have not been able to produce any results. The worst victim of this will be the Fundamental Rights guaranteed by the Constitution.

Our colleagues and former Speaker of this House, Dr. Dhillon reminded the House that when he was the Speaker of the Lok Sabha in the Fifth Lok Sabha, actually Emergency was clamped and—he says—initially for a few months, fine results were produced by that particular Emergency during Mrs. Gandhi's regime. But then, he said a mess was made. A mess was made in the Fifth Lok Sabha and admission is being made by Dr. Dhillon in the Eighth Lok Sabha! I am sure, the mess that will be made about this particular legislation on Emergency, God bless, if it is available, in the Eleventh Lok Sabha he will be admitting that even mess is made of this particular Emergency provision. So, on the basis of experience we have to admit that it is a dangerous weapon that you are trying to utilise.

Look at the amendments to Articles 358 and 359. Remember, there will be an automatic suspension of Article 19 and Article 21, that is, the right to life and liberty. Suppression of freedom of Press will take away the freedom of information even outside Punjab, and the federal character of the State will be completely mutilated as Shri Somnath Chatterjee had rightly pointed out to you by quoting the various provisions of the Emergency. As a result of that the very soul of this democratic Constitution, that is, federalism of the Constitution, that is likely to be destroyed. And, how do they propose to do it?

They are trying to bring in this Bill without putting the Opposition Parties and the rest of the parties together here to have mutual consultations. I would like to remind

you that when the Janata Government came and when we wanted to repeal that atrocious Forty-second Constitution Amendment and some of the amendments, thank God, they did not come to our House they were accepted only in the Upper House, remember what dangerous and atrocious amendments they had made through the Forty-second Constitution Amendment and others also.

There was one amendment which was accepted in the other House but the burden of guilt was so heavy that they did not bring it down here. And that was an amendment giving immunity to the Prime Minister, the Speaker, the President and the Vice-President from criminal prosecution in ordinary courts of law. It would have meant that if the Prime Minister commits a murder, if the President commits a murder, if the Speaker commits a murder — the Chairman was not there — if they commit these murders they will have immunity from criminal prosecution in ordinary courts. It did not happen even in Hitler's Germany. But the burden of guilt was so heavy that they had some morality left, not to bring it in the lower House. But the Forty-second Constitution Amendment was passed. Democratic features were sought to be curtailed. In fact, I am one of those who believe that even if the Janata Government were not to come and this particular Forty-second Constitution Amendment was not to be repealed, even then if anybody had gone to the court of law, I have not the least doubt that the Forty-second Constitution Amendment would not have stood the judicial scrutiny in the Supreme Court. That is my faith in judiciary. It would have never stood.

But that Forty-second Constitution Amendment, when we came to power after Emergency struggle we wanted to repeal it. What did we do? We had meetings with the Leaders of the Opposition. We had meetings with prominent constitutional experts sitting in the Opposition. We had a dialogue and in consultation with them and with their

[Prof. Madhu Dandavate]

occurrence we were able to bring about the repeal of the Forty-second Constitution Amendment, that was then the Forty-fifth Amendment, which as I rightly said, afterwards became the Forty-fourth Constitution Amendment when it became an Act and a law.

And, I wish to point out to you, I want to quote the utterances of a very prominent dignitary today. I can refer to him because he was an ordinary member of the Parliament then, though he happens to be the President today.

15.00 hrs.

Mr. Venkataraman, functioning as a responsible member of the opposition, was conscious of damage that was done to democratic life of this country through 42nd Constitutional Amendment. He supported the 44th Constitutional Amendment and on 7th August 1978, Mr. R. Venkataraman, who is today the President of India and who will have to proclaim Emergency whenever you tried to advise him, he had said:

Mr. Deputy-Speaker, Sir, it is a tried during thing that political looks to the next elections and the statement looks to the next generation. Therefore, we should on this occasion cease to be politicians and try to be statesman and hammer out a solution for our problems that will endure not only to the next generation, but to posterity.'

Today, if you are not able to follow us, atleast follow your colleague, who has been elevated to the highest office of the Presidentship of India. These are the aspects that have to be borne in mind. At that time, Shri Y.B. Chavan was the leader of the opposition in this House and Shri Kamalapati was the leader of the opposition in the other House. Both of them were consulted

and in consultation with them, 42nd Constitutional Amendment have been repealed. Even if you adopt this particular legislation today with brute majority, tomorrow you can have a meeting of consultations to discuss as to how we can repeal this Amendment. That part is still open to you.

(Interruptions)

PROF. N.G. RANGA :Yesterday what did you do? (Interruptions)

PROF. MADHU DANDAVATE : I only hope, Prof. N.G. Ranga, that no Bill will be brought further to state that due to internal disturbances in the Lok Sabha, the Emergency should be proclaimed in the Lok Sabha also. I only hope that you will not go to that extent.

(Interruptions)

THE MINISTER OF IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Yesterday, with brute minority. (interruptions)

PROF. MADHU DANDAVATE : Sir, let me point to you in all humility that Punjab will be a spring board for the entire country. They are going to test Punjab as a laboratory and if they are unable to push this, they should be able to push similar situations throughout the country. Why I am speaking in this House on this particular Bill? I am reminded about the veteran Parliamentarian in this house. I am referring to Comrade Gopalan, who was occupying the seat which today Mr. Madhav Reddy is occupying. I am reminded about his very first speech in 1952. He was initiating the debate on the motion of thanks to the President. The first sentence that he uttered on that occasion was:

"The President's address is the declaration of war against the people and I am rising to declare over this hall that we are determined to fight back this war".

That is what Comrade Gopalan had said. I do not know whether it was appropriate on that occasion and the situation was so grave; but I am sure what Comrade Gopalan said in 1952 ought to have been said in 1975 in this House when we were in Jail and Mrs. Gandhi was occupying the Prime Minister chair. Today again we are meeting here to have a measure, which is a miniature Emergency measure, and it is going to be clamped in Punjab in times to come.

I am sure what Comrade Gopalan had said 'This is a declaration of war against the people and we are determined to fight back this war' with the same spirit we want to declare that we have a number of avenues - we have the Parliament, we have the judiciary, and we have the country, the land of Gandhi where freedom you may suppress. One Gandhi might try to destroy the democracy, but remember another Gandhi, we shall fight tooth and nail to see that Emergency is not brought in this country; not brought into Punjab; and we shall fight it back. Remember that anti-emergency struggle of 1975 to 1977 had destroyed this Government. I want to remind them, not what we said or not what Mr. Venkataraman had said, but what the Prime Minister, Rajiv Gandhi, had said while intervening in the debate on the Motion of Thanks for the first time when he became the Prime Minister. While he was being interrupted by some Members in this House, he said that we committed a blunder in 1975 and therefore, we were out of power in 1977, and others committed a blunder in 1980 and therefore, they were out of power in 1980. We must not repeat the mistake. That is what he said. So he had accepted the fact that it was a blunder that emergency was proclaimed in 1975. But as the famous saying goes, history

repeats itself and probably he was to repeat the history. He has forgotten the fate of his mother from 1975 to 1977. He has not taken cognisance of a mighty struggle under the leadership of Jayaprakash Narayan from 1975 to 1977. I would warn the Government that Lok Nayak Jayaprakash Narayan is no longer with us but the memory of Jayaprakash Narayan will always be with us. Just like we were able to fight back the emergency from 1975 to 1977, we shall fight back this emergency inside Parliament, inside the the Judiciary and on the streets of India. In this land of Mahatma Gandhi, we shall never give up that. Therefore, even at this late hour I would appeal to the Home Minister to take cognisance of the facts of history, the lessons of history. But I think, his maxim is that the only lesson that the man learns from history is that man does not learn from history. That seems to be the lesson that he is deriving. If this is the lesson that the present Government tries to derive, it will derive it at its own cost and its own peril. I warn them not to have such a lesson.

SHRI JAGAN NATH KAUSHAL (Chandigarh): Today I am speaking as a sad and depressed person - sad and depressed for what happened in this House yesterday.

I have been listening to great orations of my friends on the opposite, their swearing by democracy, their swearing by the Constitution. And at the same time, Prof. Madhu Dandavate had said - I had read it in the press, but now I have heard him speaking in this House; I say, please desist from this attitude - that they will fight in Parliament, they will fight in courts and they will fight in streets. Is this the attitude of people who believe in democracy? (Interruptions)

PROF. MADHU DANDAVATE: I have great respect for Mr. Kaushal. Remember that when Mahatma Gandhi made the Dandi march, Britishers had said that he was fighting in the streets... (Interruptions) Fighting in

[Prof. Madhu Dandavate]

the streets is the Gandhian path so long as you are peaceful. ... (*Interruptions*)

SHRI SATYAGOPAL MISRA: **
...(*Interruptions*)

PROF. MADHU DANDAVATE: Sir, they have celebrated Dandi March. It was a march on the street...(*Interruptions*).

MR. CHAIRMAN : Order please..

(*Interruptions*)

PROF. MADHU DANDAVATE: Was Dandi March a parliamentary activity or a legal activity ?

[*Translation*]

SHRI R.L. BHATIA (Amritsar): Professor Sahib will you allow him to speak or not ?

[*English*]

SHRI JAGAN NATH KAUSHAL: Sir, may I repeat - and I crave the hon. Members to give me a patient hearing; We have been hearing them for the last two hours without interruptions...(*Interruptions*).

PROF. MADHU DANDAVATE: I am sorry if you have felt hurt. I had no desire to interrupt you. I always give a repartee and you have also been occasionally doing it. I welcome it.

SHRI JAGAN NATH KAUSHAL: I have felt hurt because an hon. Member has said that I am talking **..... I have felt very hurt on this and I will certainly...(*Interruptions*).

MR. CHAIRMAN: If anyone has said so, it is expunged.

SHRI JAGAN NATH KAUSHAL: Mr. Chairman, whether it is expunged or not, I have felt hurt over what he has said. May I, for the benefit of my hon. friend, tell him that I entered this great Parliament in 1952. I was a Member of the Rajya Sabha for full twelve years and I am a Member of this august House since 1980. I have today almost completed twenty years of my parliamentary life. But I feel hurt, I feel sorry over what is happening. As I said, yesterday for full hundred minutes, the proceedings of the House were not allowed to continue. And may I say something more. Today I am grateful to my friends that they have participated in the debate, but I was totally afraid that if they continue the same attitude which they continued yesterday, then what is going to happen to the parliamentary procedure. We are entirely in the hands of the Opposition. I am raising a fundamental issue. Mr. Dandavate is within his rights to say that they will fight this particular Bill in Parliament. But the way to fight the Bill in Parliament is not to allow the proceedings not to continue for hours together, the way to fight is you advance very good arguments, you try to take the debate to a higher level. Please fight it in that way. Mr. Dandavate is very right when he says he is going to challenge the Constitutional amendment in the court. He is welcome. But if he thinks that fighting this particular measure in Parliament means obstructing the Parliament, we shall not permit. Has the will of the majority lost all meaning? Is it only they who represent the people, a handful of them, and we do not represent the people? Are we here by nomination of somebody? We are here by a massive mandate of the people. I with all humility

**Expunged as ordered by the Chair.

appeal to my friends on the Opposite and since they are votaries of the fundamental rights of citizens, they are votaries of the Constitution, they are votaries of the parliamentary procedure, please for God sake desist from the attitude which they betrayed yesterday and which they are threatening again to betray. Now another thing which I am again saying not in a jocular mood is this. Sir, I and my friend, Rao Birendra Singh, are sitting in these seats and I feel we are in a dangerous zone. Yesterday, two of my friends - I am obliged to them - Shri Jaipal Reddy and Choubeyji barricaded the people and the moment they cross we are the first casualties. (*Interruptions*) Sir, as I said, I am not saying this in a joking manner. Really we feel we are in danger zone. You either provide helmets to us or provide hair on our bald heads (*Interruptions*).

"Next time, I will say, give us the 'pagri' of Mr. Ramoowalia and Mr. Buta Singh. At least that will give us some protection. But I am saying that I am not in jocular mood and I really feel that if our Members, the Members of the highest forum, behave in that manner and supposing the people of my side also start behaving in the same manner, then do we really want to break each others head? Friends, may I tell you "don't tread this dangerous ground..... We are more in number." (*Interruptions*)

SHRI S. JAIPAL REDDY (Mahbubnagar): You allow him to speak. He is betraying himself.

SHRI E. AYYAPU REDDY: Sir, the last sentence of the hon. Member referred to the number. This is most unfortunate.

PROF. MADHU DANDAVATE: We have taken it in sportsman spirit because these positions are inter-changeable.

MR. CHAIRMAN: Please come to the Bill.

SHRI JAGAN NATH KAUSHAL: Sir, I am coming to the Bill itself. Now, why did I preface my submission with the remarks which I made? The reason was and I repeat it again that I was hurt over what Professor Madhu Dandavate had said. I would request Professor Madhu Dandavate - he is a parliamentarian, he is an intellectual, he has much more, probably, experience than I have in the Parliament - that please try to convince people that what we are doing is wrong and the time for convincing people will come when we go for election. I will again say that you are nobody to ask us to get out by shouting. We will not get out by shouting, we can only get out in the manner in which people have elected us. You can go and tell people that we are not doing something which is proper.

PROF. MADHU DANDAVATE: They would like to go in the 77 way, Sir. (*Interruptions*).

SHRI JAGAN NATH KAUSHAL: These interruptions I don't mind. You have a right to say. But may I say one thing, Sir? The Constitution Amendment Bill which we have brought forward cannot be divorced from reality. Now, why have we brought it? What was the situation which has prompted the Government to bring this Bill should be kept in mind rather than go on repeating and theorising on the validity of some provisions of the Constitution, as to what happened in the Supreme Court, what was the effect of the Proclamation which was issued in 1975, what happened in 1977, then what happened when Janata Government came and later on the same electorate asked us to come back. These things won't help anybody. The real thing to be judged today is, as I said last time also, we are dealing with Punjab which has unfortunately become a highly complex situation.

AN HON. MEMBER: It is because of you.

SHRI JAGAN NATH KAUSHAL: You say, because of me. I said last time also and I will repeat it and I will end my speech by saying that if your attitude is consistent, probably we will be able to solve this problem earlier. Unfortunately, and I am saying with all seriousness, there are contradictions in the ideas which you have. At one place every one of my friends and every one on this side has agreed that terrorism, secessionism, extremism and fundamentalism have to be eliminated. Well, on that matter everybody has agreed. If we take steps for doing this, you criticise the steps, and then you further say that the Government will not be able to solve the Punjab problem by only eliminating terrorism, by only eliminating secessionism, but the Government will have to take some political steps, and when political steps are taken, instead of helping the Government, again you criticise them. Now, examine what the Government has done just now. Last time when the Government came to this House, they said, "We want to dissolve the Punjab Assembly", and Mr. Somnath Chatterjee said, no valid reason was given. The reason was given which according to the Government's point of view was a valid reason, and now that has become a valid reason because the House has passed it and the reason was that the Assembly was kept in suspended animation in the hope that the various factions of the Akali Dal will close their ranks, they will choose a leader who will be in a position to run the State in a Constitutional manner and we were having that hope. Unfortunately they could not close their ranks. They were speaking in different language. Most of them were trying to help the cult of violence. So, the hope was lost and this elected Party which had got a massive mandate of the people are not in a position to run the State.

SHRI V. SOBHANADRESWARA RAO (Vijayawada): Just before the Rajya Sabha elections this was brought, Sir.

SHRI JAGAN NATH KAUSHAL: Once the Assembly was dissolved, Sir on that very day the Government said, 'If need be, we might take some other steps.' And the other step taken was, No.1, 40 detainees were released; No.2, 5 high priests were released. And there was a hidden hope that this step might ultimately create a better climate. The Government did hope, Government has not yet lost the hope, although there is a spurt in violence. The hope is that ultimately the religious heads will exercise their religious and moral authority in trying to see that the sad Punjab which has bled so much will come to the path of sanity because, everybody is convinced that this handful of misguided people who are getting their support from people outside the country, who are getting their support from Pakistan, who are getting their support from people living abroad, might be brought back to the mainstream. This was the hope and that hope is still there. We are not losing the hope because ultimately we believe and we have a firm belief that no religion in the world ever taught or will ever teach blood-shedding of innocent people, much less the Sikh religion. Sikh religion was born for the purpose of fighting against suppression. We do not expect any religion to behave in that manner and as I say, we are still in the hope that those high priests will at least issue this Hukamnama: Please don't kill innocent people.

May I tell you, our hearts bleed when we read two captions in the big newspapers. One caption was: Women are weeping and they are saying: Why should your cause leave us widows? Can we give any answer? The second caption is this: People are taking the dead bodies in a procession and there, they say, we have also the right to live in peace. Why should your cause deny that right to us?

Now, my friends also know that my one daughter is married in Amritsar, my second

daughter is married in Patiala and my third daughter is married in Ludhiana. The terrorism under which they are living and the question they are putting to us every day is: When is this problem going to be solved? Now to say that the Government is doing nothing, with all respect, I will say that Government is trying to find various means to see how to solve this situation. As I say, one step is taken which some friends may not like it because ultimately we take steps with honest conviction. We take steps that this will come about.

A number of times from both sides, the name of Sushil Muni has been taken. Jasbir Singh Rode also said, "Yes, Sushil Muni did meet me in Jail" Sir, we all know that these Jain Munis are persons of non-violence. We know, they can wield moral influence. If they can wield, if Jasbir Singh Rode ultimately comes to the path of sanity, it is better. If he thinks that he has the religious authority at least one statement he has given in which he says, I will see that the Golden Temple is not misused for the purpose of desecrating it, is it not a step in the right direction? If the second step also comes that the Hukumnamas are issued—innocent will not be killed, I think, the atmosphere will be built. It is not that, I say, every problem will be solved. Problems will have to be solved by taking a number of steps. Now this step has been taken. My friend says, why have you taken this step, in this direction to try to amend the Constitution. Why do you not take the step when you will lose your authority to amend the Constitution? It is a wonderful situation. They say, "Only today you have two-third majority. Tomorrow two third majority may not be there. You may require to amend the Constitution. Bring the amendment at that time so that you may not be able to amend the Constitution." A friend said so.

15.30 hrs.

[SHRI VAKKOM PURUSHOTHAMAN in the Chair]

SHRI E. AYYAPU REDDY: National consensus was the point made.

SHRI JAGAN NATH KAUSHAL: National consensus was the second point which was made. One hon. Member did say "You brought this measure in the Rajya Sabha at a time when you thought this is the opportune time for having two third majority but after the elections which Rajya Sabha is having of one third Members, you may not be able to amend" I say that there is nothing wrong about it.

PROF. MADHU DANDAVATE: You are right.

SHRI JAGAN NATH KAUSHAL: We again feel that, if need be, we might impose emergency in Punjab. But not that emergency has been imposed in Punjab. It may not be necessary if situation improves. Surely, we are not fond of emergency. The whole point is, my friends are trying to say once emergency is imposed, many things will happen and my friends say (*Interruptions*) May I again request that this running commentary disturbs me? Not that you have no rights because rights you are creating for yourself now. I have nothing to say. When Shri Somnath Chatterjee and Prof. Madhu Dandavate were speaking, there was not a whisper from this side. Pin drop silence was there. We will show that respect to you. We only expect that respect. That is all.

SHRI SOMNATH CHATTERJEE: If anybody interrupts, that does not mean that we have no respect for you. We have very high respect for you.

PROF. MADHU DANDAVATE: If we do not respect, who can respect you?

SHRI JAGAN NATH KAUSHAL: Therefore may I say that Prof. Madhu Dandavate grew very eloquent on one matter and he was eloquent because of his own experience because he said, by the time his petition came in before the High Court, the Supreme Court had pronounced on the validity of the proclamation. Now the validity of proclamation was examined in the Supreme Court. Shri Somnath Chatterjee says it is an unfortunate decision by the Supreme Court. But the constitutional validity of the earlier proclamation had been upheld by the Supreme Court by a judgement of four to one. Justice Khanna was in minority. Justice Khanna did say "I do not agree with my brethren" but the four judges said "Once proclamation is issued, all fundamental rights stand suspended including Article 21." I again hope that such a situation will not arise when emergency will be imposed even in Punjab. I have every hope and my hope flows from this that people with authority will come forward to bring back the misguided people to the mainstream. What do we want from them? We want two things.

Don't try to get your point settled by violence. Abjure violence. Come to the table. We will have a talk. We can have debates. We can have peaceful legitimate means.

PROF. MADHU DANDAVATE: Peaceful mass movements.

SHRI JAGAN NATH KAUSHAL: Secondly, please do not talk of secessionism from India, because no country is prepared to sacrifice either the unity or integrity of the country. But we hope any day that normalcy would return to Punjab. I have no doubt in my mind that it would happen sooner than any one of us feel because Punjab has bled enough. Punjab has shed so much of blood of innocent men. Things have gone from gruesome killings to the extent of savagery. Family after family is being wiped out. Ladies are being killed. Children are being killed.

Nobody is being spared. Are we really feeling this will continue? I have a feeling that this shall not continue and we will go on making all efforts to see that this does not continue. But if need be, then we will have all weapons in our armoury and which weapon to use at what time, is ultimately left to the judgement of the Government of the day. I would assure you that this Government is as much, if not more, worried about as anybody else in solving the problem of Punjab which is the problem of the whole country.

Sir, according to me my friends are smelling rat where there is none. They say: "we will not believe if the Home Minister assures"... (*Interruptions*). My friends say: "We will not believe the assertions of the Government. We will not believe the assurances of the Government. We will not believe because something had happened earlier and therefore this is bound to happen"... (*Interruptions*). I again repeat that the Government has no intention to misuse any power which may be placed in the hands of the Government by passing this legislation. My friend Mr. Chatterjee was asking that facts and figures should be given as to in how many cases convictions have not been able to be obtained; in how many cases Courts have refused to entertain cases; in how many cases the earlier laws have become ineffective. I would like to bring to the notice of my hon. friend, this fact for whom I have great respect. He is a very eminent barrister. Courts are mortally afraid to deal with those cases. People are mortally afraid to go to the Courts and give evidence even if the trial is held in a Jail. You have passed, undoubtedly, those laws which are not needed during normal times. But are we dealing with things in the normal times? They are more worried about the rights of a hundred people. They are not worried about the rights of those people who are being killed everyday. (*Interruptions*)

PROF. MADHU DANDAVATE: This is

very unfair. (*Interruptions*)

SHRI JAGAN NATH KAUSHAL: You are saying so. Probably, as I say, I may be wrong in understanding them. the rights of terrorists are more than the rights of the ordinary people ... (*Interruptions*) I may be wrong. But the impression which is being created in my mind, I cannot hide that from the House.

PROF. MADHU DANDAVATE: Please remove that impression.

SHRI JAGAN NATH KAUSHAL: Professor Saheb, it will only be removed from my mind when you are extending your helping hand to the Government in crushing terrorism. (*Interruptions*)

MR. CHAIRMAN: Why everybody is always speaking? If anyone of you wants to ask any question, please stand up and ask. No, no. That is not fair. That is not allowed.

(*Interruptions*)

MR. CHAIRMAN: Please conclude.

(*Interruptions*)

SHRI JAGAN NATH KAUSHAL: Therefore, when this Bill was introduced in the Rajya Sabha, a fear was expressed that in the garb of this Bill, an emergency may be introduced in the rest of the country. We thought that if we read Article 359 (a) which has been added in the opening part, it was said in relation to Punjab. But since we thought there may be ultimately a doubt in the minds of the opposition friends, the Government came forward and made it absolutely clear that we were only dealing with Punjab and we were not dealing with the rest of the country.

With regard to the Bill itself, again, some apprehension has been expressed in the

minds of some friends that in spite of your clearly stating that this is meant for Punjab, under the garb of that very provision, emergency can be imposed in other parts of the country. I totally repudiate this suggestions. (*Interruptions*)

PROF. MADHU DANDAVATE: We only say, "spring board".

SHRI JAGAN NATH KAUSHAL: You said "spring board", but other friends are reading that. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I said: "Similar consequences will be there." (*Interruptions*)

SHRI JAGAN NATH KAUSHAL: Mr. Chatterjee, I am thankful to you because if you do not disagree on basic matters, the debate becomes easier. My submission to the House is this. Don't read more into the Bill than what is not contained there. Do not try to unnecessarily raise a bogie that the whole of the country will be affected. The whole of the country is only affected when Punjab problem is not settled. Otherwise, the country will, of course, be affected — there will be peace, there will be amity, there will be — I should say — an atmosphere for which we are pining for all this time. There will be no occasion for a person like Thackeray who has issued a most pernicious threat that in case the Punjab problem is not solved, we will boycott the people living in Maharashtra. It is most unfortunate.

PROF. MADHU DANDAVATE: That is not the view-point of Maharashtra.

SHRI JAGAN NATH KAUSHAL: As I say, if Punjab problem is solved in the right spirit, we are sorry that the Barnala Government had to be dismissed. I have no doubt in my mind about that. Shri Barnala was one of the finest persons whom we could spot. He did his best but he had his compulsions. He

[Sh. Jagan Nath Kaushal]
could not contain his flock. He could not get.
(Interruptions)

SHRI SAIFUDDIN CHOWDHARY
(Katwa): What have you done then?

MR. CHAIRMAN: Order, order. Nothing said without the permission of the Chair will be recorded.

(Interruptions)

SHRI JAGAN NATH KAUSHAL: For interruption, they don't need your permission.

PROF. MADHU DANDAVATE: But it should be recorded. (Interruptions)

SHRI JAGAN NATH KAUSHAL: Therefore, what I say is this. We were trying to help Barnala. We are in search of people like Barnala. We are prepared to trust Barnala again provided Barnala becomes undisputed leader of the Sikh, undisputed leader of Akali. And we are prepared to talk with anybody who is prepared to deliver goods provided he works in the framework of the Constitution and provided he sheds violence.

Now my friends have been asking over and over again, as to what ultimately is going to be the result of the passing of this legislation. I say even if this legislation is passed, Parliament contains its full control when we come after issuing of the proclamation. My friends who have studied the Constitution know that as many as six safeguards are given in the Constitution itself. (Interruptions)

There are six safeguards and we have not tried to tinker with any of these safeguards. Professor pointed out one safeguard. All the Cabinet Ministers will have to pass a resolution and that resolution will

have to be submitted to the President in writing... (Interruptions)

The second safeguard is, the moment the proclamation is issued, it shall have to be placed on the floor of the Parliament within 30 days.

PROF. MADHU DANDAVATE: On the Table. If you put it on the floor, we will be very happy!

SHRI JAGAN NATH KAUSHAL: Because you can sit over it! It shall have to be placed on the Table of the Parliament. Then the Parliament will again have to approve it. That approval is regarding the proclamation of emergency and it will again require the same majority. So far as the revoking of the proclamation is concerned, simple majority. Only 1/10 of the Members can bring forward a resolution and within 14 days a special session will have to be called. That is still there.

As I say, the whole Parliamentary control is there at every step. The moment we try to take a step, the Parliament will scrutinise it. Ultimately the Parliament will have to pass the proclamation and then, after every six months we have to come to the Parliament if the proclamation is to continue for more than six months. Over and above everything, the whole exercise is for two years. It is a temporary measure. Does it not indicate that the Government is not fond of having over powers? The Government is only asking the Parliament to give them those powers so that they can deal with the complex situation of the Punjab in a satisfactory manner, in a manner in which peace returns to the Punjab. We hope and pray that peace will return to the Punjab sooner than we expect.

SHRI INDRAJIT GUPTA (Basirhat): Mr. Chairman Sir: I feel somewhat handicapped because I am not a Constitutional lawyer. But the first question I would like to

raise again is whether the ruling party really and sincerely considers this problem of the Punjab to be a party problem or a national problem.

AN HON. MEMBER: They say it is a party problem.

SHRI INDRAJIT GUPTA: Party problem? Thank you very much.

The elaborate complaint which was made here by my friend Mr. Kaushal is about the yesterday's demonstration, which of course was not a demonstration which please anybody. But I can assure my friend on that side that such a demonstration would never have taken place if this question had been earlier made the subject matter of discussion and consultation with the Opposition. That is why I am raising this question whether you consider this to be a party issue or a national issue.

You want to ignore the opposition on this matter. You want to ignore talking even to people whose blood is being shed everyday. I was very hurt by what Mr. Kaushal said that 'you don't bother about people who are being killed by terrorists'. We don't bother? Don't say these things, Mr. Kaushal. We have never come here to cry and weep about our people who are being killed. And not killed only because they are sitting at home, but being killed because even in this situation, at great risk to their lives, they are trying to mobilise people against the terrorists. You know this. So, don't say these things. We also feel hurt that you don't consider it necessary to sit with the Opposition and to consult them, to hear their ideas, to listen to their suggestions; you may not accept their suggestions but gave them a feeling 'yes' they are being associated with the solution of a national problem. Do not forget this fact. This demonstration is not a spontaneous thing which took place out of the vacuum. Members feel on this side.
(Interruptions)

Please try to understand what I am saying because your party has not learnt from the experiences of the last emergency. My party has. I have a right to say this. My party made the most serious political error of its whole life-time by supporting the emergency of 1975. We have publicly admitted it. We supported the emergency when it was declared in 1975 also believing foolishly in all these assurances and what not that were given which are being repeated now. You may say that was a very immature thing for a political party like Congress to do. Whatever you may say we made a mistake. We did not lack the frankness to admit it later on because as somebody said today, I think it was Dr. Dhillon, that in the beginning one had an idea about that emergency that it might bring some beneficial results and it may really be used against people who deserve to be treated with harshness. That was not. What happened later on? I was in this House during the whole period of emergency. Politically we were supporting the emergency in the beginning but measure after measure was brought which I could not find possible to swallow. You can read the record. There were amendments to MiSA making it more and more stringent and strict and so many other things. You had to release vast number of people who were arrested because there was nothing against them. We could not support all the coercive measures which were used against ordinary people in the name of family planning, demolition of houses and huts, etc.

Even giving some members the benefit of doubt that they are honest in their intentions that is why I asked the question the other day: Is there some method in this madness? You have forgotten everything. Why did I call it madness? Is it not madness that one day you release the very persons, the same people — I am not talking about the Jodhpur detainees. There I have got a grouse that you have released only forty of them — those priests. You know them better

[Sh. Indrajit Gupta]

than I do. You have given a big certificate to them here in your speech. I said that day also and I repeat: I do not know to what extent they can be called priests at all. You please tell me. It is on record what Mr. Jasbir Singh Rode's past history is; what his movements are, where you were hunting for him before you could lay your hands on him — from Manila to London. Why were you hunting for him if he was only a religious priest? Anyway I consider it madness that this type of people who are pledged to this concept of 'purna azadi' for Sikhs. Nobody is prepared to define what it means and what exactly they want. Now such people are released and escorted by our security forces upto the gates of the Golden Temple. There they are greeted by the militants by volleys of gun-fire — a big celebration, triumph and victory for them they felt. Fifteen days after that, you come and say, the situation has become so bad that we must bring this Amending Bill to take powers. (*Interruptions*) Is it not madness? Then, I thought to myself that there must be some method in it? I really do credit this Government with more intelligence and not to think that they are doing something without some strategy behind it, some idea behind it.

Today, after hearing my friend, Mr. Kaushal, I was happy to find that he is one of the few Members of the ruling party who seems to have been taken into confidence before these measures were taken. So, I should not grumble that the Opposition has been ignored because I know what has happened to the Members of the ruling party also, including those who are elected from the Punjab. They were never consulted. They were only informed after the decision was taken. Everybody knows it.

PROF. MADHU DANDAVATE: Like 1975.

SHRI INDRAJIT GUPTA: Today, Mr.

Kaushal said, Government has got this in mind; they have got that in mind; they have got this hope and that hope and Sushil Muni has given them some hope. That means he must have been consulted. (*Interruptions*)

I have got nothing against this Sushil Muni. But there are thousands of Sushil Munis in this country.

SHRI JAGAN NATH KAUSHAL: Not thousands.

SHRI INDRAJIT GUPTA: This particular one. At least, we should have been told who brought him on the scene. How did he arrive? Where did he come from? How was he used? Why was he used as an intermediary? There are so many religious men, so many *swamis* and so many holy people going around in our country. There must be some particular qualification that this Sushil Muni has for which he was given so much importance by the Prime Minister and was used as an intermediary.

All holy men are supposed to preach non-violence, peace and brotherhood. They don't go about preaching violence except some I find now in this last phase of our history. Who took these decisions? Who was consulted? Ordinary Congress members were not consulted. Ministers were not consulted. Only Sushil Muni. Yet we say that we don't want religion and politics to be mixed up together. It is a very salutary principle. I agree with it. So, something has gone on in a clandestine way which is not, in my opinion, the way in which to handle these problems.

Sir, our basic objections to this Bill have been stated at great length by my colleagues. Unfortunately due to certain compulsions, which I can't avoid, I will probably not be present in the House when the time for voting comes. I have to leave. I am casting my vote in advance totally against this Bill. I

am not for any amendment for it. There is nothing to be amended. It should be opposed lock, stock and barrel because it will be completely futile in dealing with these terrorists.

Tell me even if you proclaim any emergency, will it apply to that area which is known as the 'Golden Temple complex' in Amritsar? Will the writ of your emergency run within that Golden Temple complex which has become now the headquarters of the Khalistanis?

16.00 hrs.

During Blue Star Operation, we thought that we had cleaned them out. Now where are we back again? We can't enter that temple again in the same old way. It is not possible. You know what the result, what the fall-out was. There, they are doing whatever they like. If Mr. Jasbir Singh Rode really starts moving in the way which Mr. Kaushal hopes he will move, well, I will be the first to admit that I made a mistake about it. But nothing he has said or done up to now points to that. Sir, he was installed in the temple at the time when 34 people were killed that night in Kari Sari in Hoshiarpur. I do not find him uttering a single word of condemnation about it. This is another trouble nowadays that even about the condemning of killings of people, they become one-sided in their judgements and pronouncements. If we are Indians, as we are going on professing that we are all Indians, then our hearts should bleed whenever innocent people are killed, whether they be Hindus, Christians or whoever they are. I cannot agree with people who go on condemning killings only in a one-sided way. There are some people who only go on harping on the fact that innocent Sikh youths are being killed in false encounters. But you would have utter a single word about dozens of people, innocent unarmed people who are being massacred everywhere. Similarly, there are people who only start to

speak to make statements and all that, when Hindus are killed. I cannot understand this point of view at all. Innocent person is an innocent person and a killer is a killer and if you agree that killers should be punished whoever they are, then it does not matter whether he is a killer in Amritsar or a killer in Delhi. Yes, those killers in Punjab should be punished, if we have the capacity to catch them and punish them. In the same way, the killers who kill Sikhs in Delhi are no less than killers, they should also be punished. If you adopt double standards on these issues, how do you expect to carry the people and the nation with you? It is not possible.

Now, all I want to say is that I do not have any confidence in the intentions of the Government which I am sorry to say. Partly because of our past bitter experience and also because of the draft Bill presented in the Rajya Sabha. That has been amended now after the big hullabaloo and Pandemonium that took place in the Rajya Sabha, after the Press wrote about it and only after that this amendment was brought restricting its applicability for the time being only to Punjab. It does not mean that it should be restricted to Punjab for all times to come. A simple amendment can change all that. What was the original Bill which was brought in the Rajya Sabha and why was it brought in that way where its applicability was to the whole country? I feel that the real intentions of the Government was something else. They have been exposed fully by that draft Bill and the Statement of Objects and Reasons which was attached to it, at least the Rajya Sabha Members had that good fortune to get the Statement of Objects and Reasons which the Lok Sabha has been denied. What you have brought here now is a new Bill. It is a completely new Bill. It was not the Bill which was introduced in the Rajya Sabha at all. It is a new Bill after amendment, after taking certain things into consideration but we are denied even the benefit of a note or Statement of Objects and Reasons or any-

[Sh. Indrajit Gupta]

thing. Is that the way to treat the Lok Sabha? These are things about which we feel and get sore. After all, we have been in this House for a long time. I have been here since 1960 except for three years in between. We also have seen something of the old Parliament, when Pandit Nehru was here. We have also seen something called traditions and conventions and the way of functioning in a Parliamentary democracy. We find that those things are gradually being ignored, neglected and given a go-bye. We are also hurt and upset and we wonder where the country will be taken eventually. Therefore, this restriction of the applicability to Punjab would have been done from the very outset, if that was all their intention. That was not done. So, there is not much grace. I must say that Government has not shown much grace in making this amendment. This amendment does represent concession but it is a retreat from what they originally wanted to do and that is why we say that at any time, powers are there, a small amendment can again make this thing applicable to the entire country, specially now when you have introduced or re-introduced the concept of 'internal disturbance'. The internal disturbance was not there; that was removed. For the last 10 years, we had external aggression, war and rebellion. I want to repeat what was said when the Congress Party was in Opposition here. How several of their prominent members had assured the House that this phrase of internal disturbance would be removed and it would not be brought back again. It has no definition also. What do you mean by internal disturbance? I can mean anything to anybody. You are free to have any interpretation you like. No definition of any kind. Now, you have brought it back. So, we are going back to 1975. This is putting the clock back to 1975. Anyway, as I said, I am not a lawyer. If this provision does not affect the operation of Article 83... (*Interruptions*)

I know there is a proviso under Article 83

which permits the Government, during the pendency of emergency, to extend the life of the Parliament for one year at a time beyond its normal span. I do not know, because I read in the newspapers. Now, we have to depend on the papers because we are never consulted or called for discussion. I have read in the newspaper that the Prime Minister has written a letter to some Member of Parliament who had expressed a doubt as to whether the elections were going to be held at all. And the Prime Minister has written to him, it has come in the papers, that this House has been elected for 5 years and we will hold elections after that. But the life of Parliament can be extended, no doubt under Article 83.

MR. CHAIRMAN: Yes.

PROF. MADHU DANDAVATE: What is your surmise? (*Interruptions*)

Mr. Chairman: Clarify that your yes means no. (*Interruptions*)

SHRI INDRAJIT GUPTA: One or two more points I would like to make because I think they are relevant, one is regarding our experience of the assurances which have been given in the past.

There is a whole battery of repressive laws on the Statute book. Now, it is not only the question of emergency, there is a National Security Act. There is the Terrorists' Disruptive Activities Act. There is the Disturbed Areas Act. Whenever one of these Acts was passed, whenever the Bills were brought, we were always told in this House that it has become very necessary because under the existing laws, the law enforcing authorities are not able to act effectively and, therefore, this new Act has to be passed but we assure everybody that it will not be used for wrong purposes and it will not be used against the people who are innocent or who are peace-loving. May I just remind you, Sir,

under the National Security Act, who were arrested or detained without trial. First and foremost were the trade union workers. The first and foremost was the Member of this House, Shri A.K. Roy, who used to sit over there. The National Security Act was used to arrest him and detain him. Then he was released after some time. When he came to the House he made a Statement saying that the reasons for his being arrested was that some people wanted him out of the way while the Municipal Elections were being held in Dhanbad. This was a great threat to our national security.

These are only a few instances which are to my knowledge. I know them. There may be so many of them. In the Tata Oil Mills, Bombay, the Secretary of the Trade Union by the name of Michael D'Souza was detained for one year under this National Security Act because that Union was involved in a dispute with the Management. They were not agreeing to some terms which the Management were trying to impose on the workers. So, possibly, on the complaint of the Tata Management, the National Security Act was used to remove Michael D'Souza. He was taken away from Bombay and put in Nasik Jail and kept there for one year. I wrote several letters to the Minister at that time. After one year, he was released. So, whether it was the security of the nation which was at stake or the security of Mr. Tata, I do not know. But the way it was used, it looked like that.

Here in Ghaziabad, there is a factory called Poysha which makes cans for food packaging, etc. So our Trade Union Secretary there was Mr. Sukhbir Tyagi. They were constantly having disputes with the Management. You may disagree with their stand. But is the National Security Act to be used for these purposes? Only last year in Uttar Pradesh, in Mirzapur District, one Trade Union Leader by name Shri Dwarika Singh, who was trying to organise Contractors'

labour in those new Thermal Power Stations which are being constructed there. You know the conditions of the Contractors' labour. On the complaint of the contractors, he was arrested under the National Security Act.

So National Security means, security of Mr. Tata, of the Contractors and all such people. If this kind of thing goes on, what are we suppose to do?

Now, the Terrorists and Disruptive Activities Act has been used recently against the leaders of the striking workers of one of the textile mills belonging to the Reliance Group in Ahmedabad — Mr. Dhirubhai Ambani's group. I think he is very much in the good books of the Government. You certain rejections bail applications came up before the Supreme Court in March. The Supreme Court observed that the Terrorists and Disruptive Activities Act of 1987 was a drastic measure and it should not ordinarily be resorted to, unless the Government's law enforcing machinery fails. The Act was an extreme measure to be resorted to when police cannot tackle the situation under the ordinary penal law. These are all the same phrases which are used to justify introduction of any of these special types of repressive legislation. The legislature intended to provide special machinery to combat growing menace of terrorists in different parts of the country. The Court observed.

Then what happened? Prosecution was started at the instance of the Management of the Textile Mill in Ahmedabad, where there was a strike going on. Leading workers in that strike were arrested and put in Jail and refused bail under the Terrorists and Disruptive Activities Act.

We are not talking in the air. That was a real experience. That was a bitter experience. After all, whatever Act you may pass, it is to be implemented by the State Govern-

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ments and by the bureaucracy and by the Police and all these people. In our country, we know how the whole of our machinery behaves. How it is tied up with the vested interests. Therefore, we cannot agree to putting in this kind of blanket powers, draconian powers into the hands of this Government and the State machinery. That is my main argument against this Bill.

Lastly, I believe Punjab problem can perhaps be solved — not very easily of course — provided the Government really has a determination and the will to solve it. If it does not have that will, then nothing can be done. I do not know, but some people are talking that the army should be brought in and all that. We are against it, of course. Any amount of emergency provisions and police will not solve the problem unless the Government has a will and knows who they want to fight, who they want to compromise. That should be made clear to the country. We do not know and the police in the Punjab does not know who you may compromise and who you may put in power tomorrow. The police gets demoralised this way. They do not know why they should fight these terrorists. Today, they have been installed in the Golden Temple, tomorrow they may be installed in the Government. Why should any policeman risk his life? For what? You must have a will. If you have the will, then the whole country will stand behind you and support you. We do consider it as a national issue and not a party issue. But you are more and more treating it as a party issue

MR. CHAIRMAN: Please conclude. I have given you sufficient time.

SHRI INDRAJIT GUPTA: The right to liberty is being concluded, Sir? And the right to life is being concluded... (*Interruptions*)

Therefore, we do not think that this type of a draconian legislation is warranted by the

situation. You have got enough powers. You have not been able to use those powers properly. You have no political approach to the question and you have no national approach either. You refuse to take anybody into confidence. You are doing things in some kind of a secretive manner which will do us no good in the long run. Therefore, for all these reasons, I am totally against this Bill and since I may not be here when the vote is taken, let my stand be known now that I am voting totally against this Bill and all its provisions.

MR. CHAIRMAN: Members are requested to be very brief. The time allotted for the debate is only upto 5 o' clock.

SHRI BASUDEB ACHARIA: Extend the time.

SEVERAL HON. MEMBERS: Time should be extended... (*Interruptions*)

MR. CHAIRMAN: No please. You have wasted the time yesterday. What can I do now?

SHRI DINESH GOSWAMI (Guwahati): Mr. Chairman Sir, this is one of the saddest days for the Indian democracy; this is one of the saddest days for this Parliament; and this is one of the saddest days for the people of India and particularly, the people of Punjab. I also feel that it is a very sad day even for the ruling party. Why am I saying that this is a sad day for the Indian democracy? The foundation of democracy is the rule of law. The moment you take away the rule of law, then democracy only remains on a piece of paper. The moving spirit of our Constitution ensures the right to life and liberty and the moment the protection of the citizen to approach a court against encroachment on his life and liberty is taken away, then the Constitution loses all its relevance. It remains only in form. No substance would be retained in it.

We have seen Sham democracy in some of the neighbouring countries. Recently, we have seen the elections in Bangladesh and we also talk about Pakistan. Both these countries proclaim to be democratic countries, but we know how they function. We stood uptill now on a better moral and political ground because our Constitution ensures us the right to life and liberty. The moment this right is taken away by a draconian constitutional amendment, the Constitution loses all its sanctity. I feel sorry for the people of Punjab because from today, from this moment onwards when the President's proclamation comes, the people of Punjab will be second class citizens. Whereas the people of the rest of the country will have the constitutional protection of life and liberty. In Punjab, the innocent people will have no protection of life and liberty. They will be sandwiched in between the guns of the terrorists and executive abuses of an authoritarian government. Mr. Kaushal said that we are opposing it because we want to protect the terrorists. We do not want to protect the terrorists. Whenever the government has come to this House asking for more and more powers, more and more powers have been granted to them. But this point has been made by all members what additional powers are you going to get to combat terrorism. You are not going to get any additional powers. If the newspaper report is correct that rockets have been launched yesterday by terrorists. Mr. Buta Singh will take a copy of the amended Constitution before them and thunder, look here, here is emergency. So stop terrorism. In fact, the only use that can be made of this provision is against the innocent people. I am sorry, this is a bad day for Indian democracy, because in Parliament in 1977, the House gave a solemn assurance to this country that emergency will not be proclaimed hereinafter. Mr. Somnath Chatterjee referred to certain speeches. I will quote a certain portion of a speech by Shri Yashwantrao Chavan. When he spoke on behalf

of the Unified Congress on the President's Address in 1977, he stated as follows:

"As the Mandate has gone against the emergency, we have withdrawn the emergency and I think, our country has said good-bye to the emergency for good."

This vote, according to me, is rejection of the rigours of emergency and the emergency itself. We, as Congressmen....."

I do not not know whether the Congressmen of today are the same Congressmen or a separate class of Congressmen to which Mr. Chavan belonged. He further states as follows:

"We, as Congressmen, have accepted it as we shall. We have also accepted the lesson that delegation of powers without adequate checks and controls, either to the executive or to the bureaucracy, is apt to be misused and abused. This is a lesson that one needs to keep in mind and I think, this would guide the political life of India in the days to come."

I think Mr. Chavan must be turning in his grave today that this lesson has not been learnt by this fellows and that it has been forgotten in a short time. On page 75, he further states as follows:

"They have expressed their views and I have expressed my views about emergency and I would like to tell my countrymen and my Party members that emergency is not a part of the tradition or ideology of the Congress."

[Sh. Denish Goswami]

When you pass this Bill, you cease to be a Congressman and that is unfortunate. I feel a pity for the ruling party. "We have said good-bye to it and good-bye to it for ever." This is what he has further stated.

Therefore, I feel that, before a united voice of this Parliament was changed, at least a consensus ought to have been attempted. I do not know what type of policy you have got. I, for one, would differ with my friends in the opposition in one thing that if the government want to talk to the extremists, they can talk to them if they feel that by talking to them they can bring them to the mainstream. We have talked to Laldenga. But on one day you release the Jodhpur detainees and on the next day you impose emergency. I do not know what type of policy is this. On the one hand you say that you are opening a political dialogue; on the other hand, you put a gun behind the back of the people with whom you want to talk.

Terrorism is the worst kind of lawlessness because terrorists do not respect any law. Lawlessness cannot be fought with lawlessness. The only way you can fight lawlessness is by way of a rule of law. When the executive becomes lawless and when the executive through lawlessness tries to fight lawlessness, this is bound to result in extreme lawlessness; and that is what is going to happen in Punjab.

Now you are talking about all kinds of assurances. And I like Mr. Buta Singh to reply to one point. A newspaper report has come that extremists of the North-Eastern region are being supplied arms by the serving and ex-Service personnel of the Central Reserve Police Force and thirteen persons have been arrested, who are members of the CRPF, both in Rajasthan as well as in Guwahati. And unfortunately the newspaper report also says that the kingpin is a Con-

gressman who is close to the Union Home Minister Mr. Buta Singh and no action has been taken against him. I want to know as to what action he has taken. I think, up till now I have not seen any contradiction to that.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Which paper are you talking about?

SHRI DINESH GOSWAMI: I am talking of *Telegraph*. I am talking to you because this has been raised even in the Rajasthan Assembly. (*Interruptions*)

Now, you want powers. What powers? In 1985 you passed an Act. You are not satisfied. You came and pleaded that "we want more powers". You are given powers under the Terrorist and Disruptive Activities Prevention Act. There are 22 laws to tackle this menace of terrorism.

AN HON. MEMBER: Twenty-four.

SHRI DINESH GOSWAMI: Twenty-four laws are there today. You say that the people are not coming to give evidence, that the Policemen are not taking action. Am I to understand that if we pass this Emergency Bill the people will come to give evidence because they will feel secure that the terrorists will not harm them? Do you feel that after this amending Bill is passed the courts will suddenly acquire more powers and more courage? In fact, what will happen is, that if certain innocent people have become antagonised to the bureaucratic and official machinery because the official machinery is not taking proper action, then they will be punished. What will happen is that the executive abuses, executive indifferences will get premium because of this. What type of powers do we confer under the Terrorists Disruptive Activities Prevention Act?

Section 7 of the Act confers the powers of a police officer to any officer of the Central Government. Section 8 of is about attachment of property. In fact, we made a fundamental departure from the Criminal Jurisprudence of this country when we made confessions before a police officer admissible under this Act. For the first time we passed an Act that in a judgment the names of the witnesses should not be disclosed. We passed another Act. The Armed Forces (Punjab and Chandigarh Special Powers) Act conferred the powers to fire and use of forces and arrest without warrant.

I come from a State which for six years suffered a movement. I know that when powers are given to the officers, and petty officers, how these are misused. And I had occasion to tell earlier that even after the police or para-military forces justifiably kill five persons but if an innocent person is killed because of their action, the entire people psychologically reach against these abuses. And I have no doubt that by this one weapon the buffer between the people and the terrorists has been blown up. Today the alienation of the people of Punjab has become complete. Till today vast majority of people of Punjab did not give support to the terrorists. But with one stroke of law, we are making the alienation complete and terrorists will get more support from the people.

We are a signatory to the Universal Declaration of Human Rights adopted in 1948 by an unanimous vote. It talked about life and liberty. We have given up today everything. Not only have we failed to solve the problem, we stand condemned before the comity of nations. Our head will hang in shame tomorrow.

MR. CHAIRMAN: Please conclude.

SHRI DINESH GOSWAMI: It is not that we face the problem of terrorism only in this country. Great Britain has faced it. Great

Britain tried to tackle terrorism through emergency powers. And their experience shows that by proclamation of emergency, by conferring emergency powers on the executive the problem of terrorism cannot be contained. But, in fact, the terrorists get additional support from the people and we withdrew these powers. We have not learnt any lesson from this.

Mr. Jagan Nath Kaushal made a point, that look here, even if this is applied to Punjab the apprehension of Mr. Somnath Chatterjee that it can be applied elsewhere is wrong.

We have referred to Article 83. We have referred to Article 353. There is Article 354 which says that even if Emergency is there in one part of this country the entire financial relations between the Centre and the States are done away with. The Central Government acquires all the powers.

I will ask the Home Minister one question. Are you prepared to come with an amendment stating that proclamation of Emergency in Punjab will not confer any power to Government to extend the period of this House, to extend the executive power under Article 353, under Article 354 and the power of the State. Even if you accept these amendments at this late stage, we will have some confidence in you. Mr. Jagan Nath Kaushal says that Government assurances would have been sufficient. If so, why do we have Article 21 in our Constitution? Government assurances cannot be substituted for constitutional guarantees. This power will be there for two years. After two years, Mr. Buta Singh, you may not be on that side of the House, and you may be on this side of the House. (Interruptions)

Therefore, Mr. Chairman, if the Government has *bona fide* intention, then they should accept those amendments... (Interruptions)

MR. CHAIRMAN: Please conclude.
Next Mr. Ram Narain Singh.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): He is making very very important point. (Interruptions)

SHRI DINESH GOSWAMI: Am I to understand that not only the right of life and liberty has been taken away, the right of speech in Parliament also has been taken away? (Interruptions)

MR. CHAIRMAN: No. The time allotted for the discussion is only up to 5 P.M. Yesterday, you have wasted the time. Today also you are wasting the time. I cannot help it. Now, you want more time.

(Interruptions)

SHRI DINESH GOSWAMI: Sir, I will conclude now. I see only one silver lining in this Bill. When the last Emergency was proclaimed, the Supreme Court went low when they failed to uphold Article 21 and came to the conclusion that Article 21 is the sole repository of life and liberty. Justice Chandrachud had to later on repent and admit that his judgement on a *habeas-corpus* case was wrong, he did not have the moral courage to stand up and say that this power was arbitrary. We cannot forget the Attorney General's statement that even if a person is cold-bloodedly shot without any reason, without the authority of law, he has no relief so long as the Emergency remains.

I hope that the Supreme Court, after this Bill is passed and when it gets an opportunity to review once more the scope of Article 281 vis-a-vis this sort of Emergency power, will restore its lost glory by holding that individual life and liberty does not depend on Article 21; it is an inherent right, right of man, which no doubt the arbitrary Government, even this

Constitutional Amendment, can take away.

Therefore, Mr. Chairman, on behalf of myself and on my party, I totally oppose this Bill. We will continue to oppose this Bill not only in this Parliament but on the streets. The 1975 Emergency eclipsed Congress in 1977, to which I was a party. This strong measure will lead to the total eclipse of Congress from its political life.

Political parties and individuals can make mistakes, which can be excused. But when somebody does not learn from the mistakes, there is no excuse for him.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): On 7th of March, 1988 Government made a *suo motu* statement in this House in which Government said that it is proposed to amend the Constitution suitably in respect of emergency provisions in their application to Punjab. In that statement we categorically stated that the amendments relating to the emergency provisions would apply only to Punjab and the existing provisions of the Constitution would continue to apply to the rest of the country. I do not know why a doubt was raised that Government tried to bring a Bill which would enable Government at some point of time to declare an emergency in parts of the country other than Punjab or whole of Punjab.

Hon. Members know and I expected hon. Member, Shri Somnath Chatterjee to refer to this principle, that every law has a territorial application. In this Bill, as introduced in Rajya Sabha, it was made very clear at more than one place in the Statement of Objects and Reasons and in the opening words of new article 359A that this amendment will apply only in relation to Punjab. In fact, if we had merely introduced

a few words in article 352, perhaps; this bogey would not have been raised that we are using this opportunity to take powers to declare an emergency to any part of the country other than Punjab. But what we did was — and that is a good legislative practice — we introduced a new article and we said: "In relation to Punjab, the existing article 352 will be modified in the following manner." In its width, in its scope, in its application, in its amplitude the Bill always related to the State of Punjab and it continues to apply only to the State of Punjab. But when the Bill was circulated in Rajya Sabha and in Lok Sabha, Shri Advani, whom I hold in great respect, raised some doubts. I found that two or three members on our side also raised some questions. The questions related to the modification made to article 352. Even it was possible to convince Shri Advani and others, but it would have taken a lot of time to convince the whole of Rajya Sabha and every Member of Lok Sabha. I say it in great humility. When we asked the Attorney-General whether there is anything wrong in the drafting of the Bill, he said no. He said: Give me five learned judges and three hours of uninterrupted argument before the learned judges and I can convince the court. Then we said: We are not before five learned judges and we do not have three hours, but we are before the whole nation. We have to carry with us Members of Parliament, we have to carry with us the media, we have to carry with us newspapers, we have to carry with us the common people and we have to guard against any campaign of dis-information. And, therefore, quite readily even on the day when the Bill was being debated in Rajya Sabha, we asked our draftsmen to make amendments. That night we made the amendment. Next morning, the first thing we did was to circulate the amendment to put it beyond the shadow of doubt that this amendment that we propose, applies only to the disturbed State of Punjab. I want to make it very clear on behalf of Government that Government never had any intention, and

does not have any intention, to extend the emergency provisions under this Bill to any part of India other than the State of Punjab. *(Interruptions)*

SHRI E. AYYAPU REDDY: One point for clarification, Sir.

SHRI P. CHIDAMBARAM: I will answer later on.

MR. CHAIRMAN: At the end, Mr. Ayyapu Reddy. Please let him finish this portion.

SHRI P. CHIDAMBARAM: Sir, some questions have been raised and it is my duty to answer those questions. First is the question of legislative competence. I think it is beyond doubt that under article 368. "Notwithstanding anything in this Constitution, Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of this Constitution in accordance with the procedure laid down in this article." Parliament has the constituent power to amend every part of the Constitution. If that Amendment is to be challenged, as Professor Dandavate has said he would do, he is certainly welcome to challenge it, but the power of Parliament to consider the Bill and to accept the Bill and to adopt the Bill, and to amend the Constitution cannot be scuttled at this stage by what he was pleased to describe as a "Constitutional threat." He was holding out that tomorrow he will challenge this Bill. He is welcome to challenge the Bill. We believe we have received good legal advice that this Bill is perfectly Constitutional. As long as this House has the power to deliberate on this Bill and adopt this Bill, I do not think there is any way in which one can scuttle this debate or stifle this debate, even at this stage... *(Interruptions)*

PROF. MADHU DANDAVATE: Keshavanand Bharati judgement is not reviewed

[Prof. Madhu Dandavate]
so far.

SHRI P. CHIDAMBARAM: Keshavanand Bharati said that Parliament does not have the power to amend the basic features of the Constitution, the basic structure of the Constitution. Perhaps Prof. Dandavate knows that the Judges did not agree on what the basic structure of the Constitution was, and those Judges who enumerated what the basic features were, illustratively said it is the rule of law, it is the right of judicial review, it is democracy, it is the secular character of the Constitution... (*Interruptions*)

PROF. MADHU DANDAVATE: Federal also.

SHRI P. CHIDAMBARAM: It is the federal character of the Constitution, and the Republican form of government. Nothing that we are doing now affects anyone of those basic features or the basic structure of the Constitution... (*Interruptions*). I know your objection. Let him wait, Sir. Let me answer. Sir, I am grateful that Prof Dandavate and other speakers said that when the 44th Amendment was passed, there was a compact, there was a consensus. I agree. But let us accept the consensus and argue on that consensus in toto. Don't accept that part of the consensus which is advantageous to you and ignore that part of the consensus which is not advantageous to you.

PROF. MADHU DANDAVATE: It is the method of evolving consensus.

SHRI P. CHIDAMBARAM: We will argue on that. Sir, the 42nd Amendment introduced the concept of a partial emergency. When you made the 44th Amendment, you did not abrogate the 42nd Amendment which introduced the concept of a partial emergency. Therefore, when the 44th Amendment was passed by Parliament, the consensus was that Government must have

power either to proclaim an Emergency throughout the country or to proclaim a partial Emergency. A partial Emergency is something which has been in the Constitution since the 42nd Amendment... (*Interruptions*)

PROF. MADHU DANDAVATE: The consensus was for removing the 'internal disturbance' part.

SHRI P. CHIDAMBARAM: I will come to that Professor Sahib. Let us take argument by argument. We are now talking about the partial Emergency... (*Interruptions*)

MR. CHAIRMAN: Mr. Chidambaram, don't answer any questions put without the permission of the Chair.

SHRI P. CHIDAMBARAM: Sir, I am now answering the charge of a partial Emergency as violating the federal character of the Constitution. Partial Emergency is something which has been there since the 42nd Amendment. The consensus, when the 44th Amendment was passed, was that the Government should continue to have the power to either proclaim an Emergency throughout the country or a partial Emergency. Hence, partial Emergency does not violate the federal character of the Constitution. That is the compact, that is the consensus. Today, what are we doing? Today, it is possible to proclaim a partial Emergency in Punjab or any other State on one of three grounds, War, external aggression or armed rebellion. What is being added is a fourth ground to proclaim partial emergency in Punjab. I will come to the validity of the ground. But the fact is that you can proclaim partial emergency in any part of the country on three grounds. If that is valid and if that does not violate the federal character, certainly adding one more ground to proclaim a partial emergency, if necessary, does not violate the federal character of the Constitution.

I will come to "internal disturbance." Sir, it has been argued that we are restoring the pre-44th Constitution Amendment position. I most humbly submit that we are not restoring the pre-44th Constitution Amendment position. What is the pre-44th Constitution Amendment position? Prior to the 44th Amendment to the Constitution, the position was that you could declare an emergency on the ground that the security of the State was threatened by internal disturbance and without any one of the procedural safeguards. A law has two parts — a substantive part and a procedural part. Take each part now, one by one. What is the substantive part that we have restored now? We have not restored, and I appeal to you Sir to consider, we have not restored the ground that an emergency can be proclaimed on the ground that the security of India is threatened by internal disturbance. On the contrary, the ground which is now being added is that the integrity of India is threatened by internal disturbance. There is a vast difference between the security of India being threatened by internal disturbance and integrity of India being threatened by internal disturbance. It is only secessionist activity, it is only activity which may be characterised as separatist activity where people want to proclaim a State, carved out of India, activity by which people want to dismember India, activity by which people want to threaten the unity and integrity of India. It is only that activity which should be attracted by this ground. Look at the procedural part. I am grateful to Mr. Jagan Nath Kaushal. There are six safeguards introduced in the 44th Amendment. Not one of them has been touched and for the record, I want to state what these safeguards are.

The first safeguard is that the Cabinet must advise the President in writing when emergency is to be proclaimed. The second safeguard is that we have to come before Parliament within 30 days. The third safeguard is that the proclamation of Emergency

must be adopted by a majority of not less than 2/3rd of the Members present and voting and a simple majority of the House. The fourth safeguard is that 1/10th of the Members of the House can at any time petition the President or the Speaker and call into session, a special session of the House. The fifth safeguard is that not both the Houses, only in the Lok Sabha, by a simple majority you can repeal the emergency. And the last safeguard is — this is where I want to stress my argument particularly with regard to the alleged diminishing majority in the Rajya Sabha — that every six months we have to come back to both the Houses of Parliament for a special majority of 2/3rd of the Members present and voting. In the Rajya Sabha it was said that "you rushed it because you were losing 9 seats". Sir, I can't think of a mere fatuous argument. It is not that this amending Bill alone requires 2/3rds majority and hence is rushed through. If we make a Proclamation of emergency, and I sincerely hope that it would not be necessary at all to make a proclamation of emergency even for Punjab, then we have to come back to the Rajya Sabha, to the Lok Sabha, and ask for approval by the same majority. Those who accuse us of rushing through the Rajya Sabha because we are going to lose some seats in the Rajya Sabha in the next election, have not even read the provisions of the Constitution which says that we have to come back to this House within 30 days for a 2/3rds majority. Sir, there is no substance in the argument that we are restoring the pre-44th amendment position. But on the contrary we stand by the consensus of the 44th Amendment we are only introducing a new ground based on the new development in Punjab which threatens the unity and integrity of the country and we stand by every one of the procedural safeguards in the 44th Amendment.

Finally, arguments have been advanced on Article 353 and Article 358. It is said that we will extend it to other parts.

[Sh. P. Chidambaram]

Again, please look into the Constitution, both in Article 353 and Article 358, what can be extended is the executive action and legislative measures only if an emergency is proclaimed on the ground of security of the State being threatened. Please look at the proviso the proviso to Article 353 and the Proviso, to Article 358 Proviso to Article 353 categorically states:

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,...

- (i) The executive power of the Union to give directions under clause (a), and
- (ii) The power of Parliament to make laws under clause (b),

shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation if and in so far as the security of India or any part of the territory thereof is threatened by activities in...."

SHRI SOMNATH CHATTERJEE: Now it says, the 'security' is involved.

SHRI P. CHIDAMBARAM: It says, but the ground is security. *(Interruptions)*

Sir, If an argument is to be met by an argument, I think the minimum Mr. Chatterjee should do is to hear me. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Sir, this is not the way to say this. *(Interruptions)*

SHRI P. CHIDAMBARAM: I am not yielding. *(Interruptions)*.

MR. CHAIRMAN: Order, order. One at

a time. What is this? Order, order.

(Interruptions)

SHRI SOMNATH CHATTERJEE: You are applying this for the activities in Punjab *(Interruptions)*.....What are you talking? *(Interruptions)*.

SHRI P. CHIDAMBARAM: Sir, I am not yielding. They had all the time to read the provisions of the Constitution and quote it to us. They had all the time to offer their interpretation. I didn't interrupt them. I am interpreting it in the manner Government thinks this Article is to be read. *(Interruptions)*. I will come to Article 83 and 250.

Both Articles 353 and 358.... *(Interruptions)*.

MR CHAIRMAN: He is not replying to the discussion, he is only intervening.

(Interruptions)

SHRI P. CHIDAMBARAM: I am entitled to give my opinion. *(Interruptions)*. Sir, I am entitled to give my interpretation and I am not bound to accept Mr. Acharya's interpretation.

Both Article 353 proviso and Article 358 proviso apply only if Emergency is proclaimed on the ground that the security of the State is threatened. Articles 353 and 358 do not apply when the ground is that the integrity of India is threatened by internal disturbance. This is the Government's position and Government's interpretation accords with the language of Article 353 358.

SHRI S. JAIPAL REDDY: It is the Government's position, but not the legal position.

SHRI P. CHIDAMBARAM: We will see what the legal position is when he challenges.

SHRI SOMNATH CHATTERJEE: Call the Attorney General here.

SHRI P. CHIDAMBARAM: We don't have to call him. We have got the benefit of the Attorney General's advice and we are stating.....(*Interruptions*)

SHRI SOMNATH CHATTERJEE: We want to have the benefit of his advice (*Interruptions*)

SHRI P. CHIDAMBARAM: You have given us the benefit of your interpretation and I am entitled to tell the House and the country what our interpretation is. (*Interruptions*). I am entitled to say my interpretation, Mr. Acharia, and I will not accept your interpretation. And finally,...(*Interruptions*). Sir, let me continue (*Interruptions*) I am not yielding.

MR. CHAIRMAN: He is not yielding. What can you do?

SHRI DINESH GOSWAMI: You have to go for an amendment because...(*Interruptions*)

MR. CHAIRMAN: He is not yielding, how can you ask a question?

(*Interruptions*)

MR. CHAIRMAN: He is not yielding, please sit down. That will not go on record.

(*Interruptions*)**

PROF. MADHU DANDAVATE: The Minister has the right to misinterpret.

(*Interruptions*)

SHRI P. CHIDAMBARAM: Sir, then an argument was advanced that by virtue of this, we will suspend all the rights, statutory rights, under all the laws throughout the country. Again, you are not looking into the amendment made by the Forty-Second Amendment and the Forty-Fourth Amendment. Sir, today there are existing statutory rights. Even if Article 19 is suspended automatically and even if Article 21 is suspended by an order, the existing statutory rights cannot be suspended or taken away under the existing laws because of Article 359(1B). And nobody is reading Article 358 and Article 359(1B). Article 359 (1B) says:

"Nothing in clause (1A) shall apply. -

(a) to any law which does not contain a recital to the effect that such law is in relation to the Proclamation of Emergency in operation when it is made; or

(b) to any executive action taken otherwise than under a law containing such a recital."

Today there are a large number of laws which do not contain the recital. The recital cannot be added retrospectively, the recital must be there, the recital must be added to the law when a Proclamation of Emergency is in force. Today there are existing laws giving statutory rights. We cannot take away those statutory rights, even if Article 19 is automatically suspended or even if Article 21 is suspended by an order. Nor can we extend a law without such recital to other parts of the country. My submission is that the existing statutory rights are still enforceable you are reading the Constitution without referring to the Forty-Second Amendment and without the ..(*Interruptions*). I am not yielding, Mr. Chatterjee. You had all the opportunity...(*Interruptions*). Somebody

[Prof. Madhu Dandavate]
from your party will answer. You did not care
to refer to this. *(Interruptions)*.

SHRI SOMNATH CHATTERJEE: You
referred to Article 359(1B). What about Ar-
ticle 359(1)? It talks of an order, not of execu-
tive action. You do not mislead on this.
(Interruptions)

SHRI P.CHIDAMBARAM: I thought, I
answered it. Articles 353, 358, 359 apply
only when emergency is made on the ground
that the Security of India is threatened.
Please read that article in full, I am talking
about the existing statutory rights. Existing
statutory rights in laws which do not contain
a recital cannot be taken away or extended
to other parts of India. *(Interruptions)* I am
not entering into a debate. I am entitled to
say my view.

Finally on article 83 and article 250,
here Prof.Dandavate will kindly go back to
the compact. Article 83 was there when you
made the 44th Amendment. 44th Amend-
ment retained the provision for a partial
emergency. Article 83 was very much there.
You felt that Government, if necessary, must
have that power whether in a partial emer-
gency or in a national emergency.

SHRI SOMNATH CHATTERJEE: The
cat is out of the bag. *(Interruptions)*

SHRI P.CHIDAMBARAM: The point is,
Article 83 has not been touched. Article 83
was not touched by the 44th Amendment.
Under article 83, while Parliament has the
power to extend its life, we have categori-
cally said and the Prime Minister has stated,
this has been quoted, we have no intention
of extending the life of Parliament by virtue of
any emergency in Punjab
(Interruptions). Why did you not include this
in the 44th Amendment? The point is that

they have just woken up. *(Interruptions)*

MR.CHAIRMAN: What is this? Why are
you making noise? Order.

SHRI P.CHIDAMBARAM: We say that
the Government has no intention. The 44th
Amendment was passed by the Janata
Government. They did not touch article 83.
They allowed article 83 to remain. Neverthe-
less the promise which they did not make
then, we make now that there is no intention
of invoking article 83 to extend the life of
Parliament. *(Interruptions)*.

SHRI DINESH GOSWAMI: There was
no internal disturbance in the 44th Amend-
ment. *(Interruptions)*

MR.CHAIRMAN: All those questions
would not go on record.

*(Interruptions)**

MR.CHAIRMAN: Mr.Chidambaram,
you need not answer those questions. Noth-
ing will go on record.

SHRI P. CHIDAMBARAM: Article 83
was not touched then, Article 83 is not being
touched today. Government have made it
quite clear that this enabling power has been
taken only for the purpose of dealing with the
extreme situation in Punjab and there is no
question of invoking any of those powers to
extend the life of Parliament. All the legal
arguments which have been advanced are
arguments which have been made in des-
peration. We have to take the enabling
power to meet an emergent situation, if an
emergent situation arises. *(Interruptions)*

MR.CHAIRMAN: No comments will go
on record.

*(Interruptions)***

SHRI P. CHIDAMBARAM: We sincerely hope that the situation will not arise. If the situation does arise, we will come back to Parliament. We will come back to Parliament with a proclamation. We will come back to Parliament for your support. We will have to come back to Parliament for the majority. And without meeting the arguments with arguments (Interruptions)

MR CHAIRMAN Order, order

(Interruptions)

SHRI P. CHIDAMBARAM They promised to hear us without interruptions. And they are not hearing us without interruptions (Interruptions) They do not want to hear our arguments (Interruptions)**

MR CHAIRMAN Nothing is going on record. Then, why do you waste your energy?

(Interruptions)

SHRI P. CHIDAMBARAM A specific question has been raised about article 83 and article 250. I am entitled and obliged to answer regarding article 83 and article 250. I have given Government's view of the matter. Article 83 remained untouched in the 44th Amendment. Article 83 remains.. (Interruptions)

MR CHAIRMAN Please, Order

SHRI P. CHIDAMBARAM Let him not interrupt. ..(Interruptions)

MR. CHAIRMAN He is not yielding

SHRI P. CHIDAMBARAM: Article 83 remains untouched now. We have made it clear that we have no intention to ..(Interruptions)

MR. CHAIRMAN : Order order

SHRI MANIK SANYAL (Jalpaiguri) Who will believe you?

SHRI P. CHIDAMBARAM The country will believe us. The people will believe us. Those who do not want to hear an argument will not believe us. You raise the question and do you think it will go unanswered? Sir, if they think that they will raise the question and it will catch the media and the newspapers and it will go unanswered, it is totally wrong. We will answer every single question that you raised. We are confident that our answers will reach the people. We are confident that our answers will be accepted by the people.

17.00 hrs.

' Their game is clear (Interruptions) They will raise doubts (Interruptions) They will try to spread a campaign of disinformation. But they will not listen to the answers that we are giving them (Interruptions) Government has taken this power to meet an emergent situation. Government hopes that there is no need to apply this power. But if an emergent situation arises in Punjab where Government has to discharge its responsibility—a regional party need not bother about Punjab, a Telugu Desam or any other party ruling in a State, need not be bothered about Punjab—but we are bothered. (Interruptions) You need not be bothered and you are not bothered, in fact, about Punjab. It is so far away. You have no political responsibility in Punjab. (Interruptions) You are not

[Sh. P. Chidambaram]

accepting any responsibility for the sufferings of the people of Punjab. We do accept responsibility. We will come to Parliament. We will ask your support. We will get the support of both the Lok Sabha and the Rajya Sabha before taking any action.

[Translation]

SHRI RAM NARAIN SINGH (Bhiwani):

Mr. Chairman, the Constitution (Amendment) Bill which has been presented, has created fear in the minds of the people. It is claimed that the constitutional Bill has been brought forward to meet the prevailing situation in Punjab. But the Government have already laws powerful enough to face the situation in Punjab. Separate legislation has already been passed for that area. You can remedy the situation in Punjab by taking proper action under the existing laws. The very word emergency has already created fear in the minds of the people. No matter what assurances are given by you, whatever assurances are given by the Government, fear of emergency is not likely to be removed from the minds of the people.

Many people are being killed daily in Punjab. It hurts every-body, but those who indulge in terrorism are affected the least, poor innocent people are being killed there and innocent people on both sides are being killed. There is no one in India who, opposes eradication of terrorism from Punjab, but so far as the emergency is concerned, every one is afraid of it. Because the people know that no action will be taken against the terrorists under this law. The remaining 95 per cent people of Punjab are afraid of this emergency. They are horrified to hear the very word of emergency.

The Government had imposed emergency in 1975. I was a District Magistrate at that time. I saw disturbances taking place there even after the imposition of emer-

gency. You are going to reimpose emergency in Punjab. It will cause great hardships to the remaining 96 per cent people of Punjab.

17.02 hrs.

[MR DEPUTY SPEAKER *in the Chair*]

You have already many other laws, you may remedy the situation in Punjab by resorting to those laws. This emergency will not make any difference. It will bestow more powers in the hands of the officers and the security police. Thus the whole of India is afraid of emergency. They also fear that once emergency is imposed in Punjab, then it will be extended to the whole of India. It is correct that a critical situation prevails in Punjab which affects Haryana. We from Haryana wish that this terrorism should be ended as early as possible. This will benefit both Punjab and Haryana. Instead of making provision for an emergency, our leaders like Mr. Devi Lal and Badal Saheb should have been consulted. Instead you are going to impose emergency. This has created a fear in the minds of the people throughout India. This fear will vanish only if you do not impose emergency. There are many other laws, which can be applied there. The Blue Star operation had been undertaken under the existing laws. Necessary action had been taken then by sending both the army and the police. When it was possible without imposing any emergency, then why is emergency being imposed now? There is fear among the people that emergency will be imposed in the whole of India. The people have not yet forgotten the emergency which was imposed in 1975 and are much afraid of it. The people in the whole of India and specially in Haryana, were very much terrified then. As the Minister of Home Affairs said that perhaps emergency might not be required to be imposed, we want that it happens like that and emergency is not imposed and the prob-

lem is solved by applying the existing laws. Terrorism should be eradicated and peace restored. The people in Haryana are also affected by it as they are also being attached. The people numbering 30 to 35 are being killed there almost daily, therefore, peace should be restored as early as possible. If emergency is imposed today, the public will think that the Government is resorting to dishonest means. Why should be allow such circumstances to be created. Emergency should not be imposed even after passing this Bill. With these words, I oppose this Bill.

SHRI CHARANJIT SINGH ATHWAL (Ropar): Mr Deputy Speaker, I rise to speak about this amendment. Before I say anything about this amendment, I want to read Article 352 of the Constitution:-

[English]

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation....

[Translation]

Mr. Deputy Speaker, Sir, in view of the existing Article 352, what is the need of having this 59th amendment? Is Punjab not a part of India? When action could be taken under this Article, what was the need to bring forward this amendment? In this connection, I want to say that the motive behind this amendment can be to take revenge or to avenge some one's murder. The motive behind this Bill which has been brought forward specifically for Punjab, can also be that Sikhs may feel that they are either slaves

or second grade citizens. There can also be a motive to acquire more powers or to extend the term of this House. I want to tell this House that the powers so far demanded by the Government have been given to them by this Parliament. About 24 bills have since been passed but the ultimate result is zero and what will come out of the 59th amendment, its result will also be zero. By the way, the people forming the Government are themselves not eager to solve the Punjab problem and do not possess far-sightedness or capability to find a solution to the Punjab problem. I do not mind if someone like Laxman Singh, Barnala, Gurunam Singh or someone else is made Chief Minister of Punjab who is able to find a solution of the Punjab problem. In fact, there is a need to understand the Punjab Problem. You should pay attention towards it. Mr. Deputy Speaker, the Sikhs of Punjab had surrendered their right to liberty. First I wish to refer to an historical fact of partition. The British rulers intended to divide India into as many parts as possible. Mr Jinnah wanted that Sikhs should either make a demand for Khalistan or agree to setting up a confederation there so that no part of Punjab could go to India. A meeting between Master Tara Singh and Mr. Jinnah was proposed to be held. For this purpose, a place and time were fixed but it so happened that Master Tara Singh reached that place a bit early and after waiting for Mr. Jinnah he left from the other door five minutes before Mr. Jinnah's arrival. On coming to know of his departure Mr. Jinnah regretted and told the other Sikhs sitting there that had he met him, the misunderstanding between them might have been removed. I want to repeat those words which he uttered to the persons present there. While pointing towards Hindus, he said Masterji had seen Hindus as slaves and not as rulers. He would weep at the fate of Sikhs when being ruled by Hindus. In spite of this instigation, Master Tara Singh firmly favoured to remain with Hindus. Besides, when Mr. Jinnah on behalf of Muslims,

[Sh. Charanjit Singh Athwal]

Sardar Baldev Singh on behalf of Sikhs and Pandit Nehru on behalf of Hindus went there to participate in a Conference held in Britain to solve the problem of communalism, Churchill, then conveyed a secret message to Sardar Baldev Singh for a prolonged stay to consider the rights of Sikhs so that they were able to live independently in the days to come. But Sardar Baldev Singh replied that whatever they demanded, they would demand from the Hindu brethren. He repeated his demand that the British people should leave India immediately. What I want to say is that the Sikhs surrendered their right to liberty to their Hindu brethren. There is a need to understand the actual problem of Punjab. What was that right which Mr. Jinnah wanted to give to Sikhs, the right which the British Government wanted to grant to the Sikhs. They wanted that Sikhs should have a separate place where they could lead a glorious life. Sikhs now want to have some powers in lieu of that right they surrendered to their Hindu brethren. Actually, there is a need to understand this problem. The hon. Members of the House and the small hearted Government are to decide whether the powers demanded by the Akali Dal under the Anandpur Sahib resolution or some other powers are to be granted to them or not. Therefore, I think that there is a need to understand the actual problem of Punjab first. We saw the results of emergency which was imposed in 1975. Some other member who spoke before me also emphasised that the basic features of the Constitution as propounded in the cases of Keshawanand Bharati and Minerva Mill cases, cannot be changed. Emergency provision, the right to life and the right to liberty in Article 21 are the basic features of our Constitution which are being amended in the case of Punjab only. The Government is torturing the innocent young persons in the name of terrorists while the Akali Dal opposes the killing of innocent people. The constitutional amendment is being made to silence the Sikhs and the

Akali Dal. Why this is being done?. Thirdly, what is the definition of internal disturbance? Will a strike by students and arrest of 2000 farmers in Gujarat be treated as an internal disturbance? Whether strikes at other places or in D.T.C. and the massacre of Muslims in Muradabad and Meerut will be covered under internal disturbance warranting imposition of emergency? I want that this should be clarified. I want to know whether this Bill is intended for the whole country or only for Punjab. This Bill was first introduced in the Rajya Sabha and what was their intention? They first wanted to have this provision for the whole country but when there was hue and cry they amended it and confined it to Punjab only. This will not solve the Punjab problem. Instead of applying a healing touch, the Government is actually adding fuel to the fire. I want to know whether these are the adequate safeguards which the Congress had promised to the Sikhs on August 9, 1946. Nearly six thousand Sikhs were burnt alive or murdered cruelly in the presence of the Prime Minister, the President and the three Chiefs of staff in Delhi in 1984. Some rape cases also occurred. Are these the safeguards which were promised by the Congress in the Constituent Assembly? This constitutional amendment has been brought just to make Sikhs living in Punjab and the whole of India to feel that they are second grade citizens and slaves. I on my own behalf and on behalf of my party oppose this Bill. I want to submit that when emergency was imposed in India in 1975 and the entire country was converted into a prison, we had then sworn to launch an agitation against the emergency. History proves that we continued our struggle till the emergency was lifted. I thank the opposition Members who supported us. I want to assure them that the Akali Dal, the entire Sikh community will oppose the imposition of

emergency in Punjab till the last drop of blood I oppose this Bill with these words I conclude.

[English]

SHRI KAMAL CHAUDHRY (Hoshiarpur): Mr. Deputy Speaker Sir; I rise to defend the Government's stands and fully support this Bill introduced by the Home Minister.

I remember November 85, my first official meeting with the Prime Minister, when I had requested that emergency be imposed in Punjab. I also remember the day the Home Minister Buta Singhji had just taken over and called the Punjab leaders when I had suggested that emergency be imposed in Punjab. Then, on 2nd April 86 when I spoke about Punjab, I remember that the Members in this House tried to remind me of Mahatma Gandhi. I was shocked that it was a shame that in this country, in this land of Mahatma Gandhi people refuse to listen to truth. What was happening in Punjab? They suggested to the speaker asking him to expunge my remarks. I wish it was not done and we would not have lost all these lives till date.

We lost Mahatma Gandhi to a terrorist, we lost our Prime Minister Smt. Indira Gandhi to a terrorist, I lost my father to a terrorist and when last month I was roaming around in Punjab banging my head from pillar to post where this Sahari incident took place, I lost my son who had just had a fall from the roof. Maybe God will put me to many tests but I am positive that I will not fail.

I have gone through all the debates on Punjab ever since 1985 but I do not wish to comment on anyone. I want to give my suggestions for peace and unity in Punjab. I have gone through a disciplined life for 17 years followed by 21 years in the Air Force and 2 1/2 years in the Indian National Congress. I am of the view that enemy of this

nation must be shot dead. Now the security and integrity of this nation is at stake. The secessionists must be shot dead-be it a cobbler, a smuggler, a politician or a religious priest sitting in a temple. I love this national and for the sake of unity and integrity of this nation if I lose my life I am sure my family would not shed a tear.

I am happy that this Bill has been introduced. I am also happy that some of the suggestions that I have been making ever since 1985 have been implemented. Had all the suggestions been implemented there would not have been any more bloodshed in Punjab? I would like to repeat these suggestions;

1. Talk to every one and any faction of the extremists who are wanting to talk but if anyone of them talks anti-national then they must lose their right to life.

2. Release all those against whom there are no cases whether they are in Jodhpur or any other jail but their release must not be un-conditional. We have seen the release of these 40 people and their utterances at 'Holla Mohalla'. These are the people who must lose their right to life.

3. All those senior officers in Punjab who have a communal bias and who are corrupt must be dismissed and put behind the bars and taken to task.

4. All the harbourers and abettors must be treated as terrorists and they are the ones who must lose their right to life.

5. Impose emergency in Punjab and hand it over to the Army.

I would like to define this 'losing right life', I know on 2nd April, 1986 when I had made this remark there was lot of noise. I want to clarify. Losing right to life means that they must be shot dead.

[Sh. Kamal Chaudhry]

I have a request to be made to the Home Minister, Shri Buta Singh that he must shed his weakness. This is what I said in my last speech on Punjab. He should stop behaving like paper tiger. This is time to get on the field and behave like a real tiger. He will get all the powers that he wanted today.

Sir, most of the hon. Members must have been going through Ramayana on the TV. Even Lord Rama, who was symbol of peace, love and affection, sent his emissaries like Sunil Dutts and Sushil Munis to Ravana who failed to convince him. Rama had to pick up the weapons and fight Ravana. Lord Krishna had to tell Arjuna the same thing to pick up the weapons and fight Kaurvas. So, this is my request to the hon. Prime Minister to ask the Arjuna to pick up the weapons and fight the extremists in Punjab. (*Interruptions*)

I would not take any more time of the House. In the end, I very strongly support the Government and defend its stand on this Bill.

SHRI BALWANT SINGH RAMOOWALIA (Sangrur): Sir, this House has heard the views of both the sections Opposition as well as the Treasury Benches on the powers which are being sought for proclamation of emergency. The problem in Punjab is not the inadequacy of power, laws and acts. Actually in Punjab, the problem is the lack of will on the part of the Central Government to come to any solution on the burning issues of Punjab.

During the last four years, this House has already passed 22 laws by which the powers were given to the Punjab administration. By now about seven Governors have been tried. Two Chief Ministers, one was dismissed and the other was asked to resign. More than seven Director-Generals of Police were replaced or transferred. More than twelve Advisers to the Governors, Blue

Star and many other actions were tried. All have failed because there was no will on the part of the Central Government to come to any solution which was within the framework of the Constitution. That is the problem.

Terrorists & Disruptive Activities Act, Special Courts Act, Armed Forces (Special Powers) Act, Punjab Disturbed Areas Act and so many other Acts are already there. Why these emergency provisions are being asked for Punjab? Sir, the point is that Shrimati Indira Gandhi, a veteran Prime Minister, herself had apologised to the country that she was not correct, she was wrong in going for Emergency in this country.

PROF. MADHU DANDAVATE: He will also apply after going out of power

SHRI BALWANT SINGH RAMOOWALIA: That may be. I see the Punjab problem is due to the failure of political leadership.

SHRI CHANDRA PRATAP NARAIN SINGH (Padrauna): Prime Minister, Mrs. Indira Gandhi, did not apologise.

AN HON. MEMBER: She expressed regret.

SHRI N.V.N.SOMU (Madras North): She had apologised. (*Interruptions*)

MR. DEPUTY SPEAKER: I don't want others to speak anything now.

SHRI BALWANT SINGH RAMOOWALIA: I have spoken from the information available with me. (*Interruptions*)

MR. DEPUTY SPEAKER: At least you can refute when you get time.

SHRI BALWANT SINGH RAMOOWALIA: Whether it is wrong or right, you can decide.

PROF. MADHU DANDAVATE: He wants to withdraw the apology with retrospective effect.

SHRI BALWANT SINGH RAMOOWALIA: The point is, who are really the guilty persons? Forty people were released from Jodhpur Jail. I am surprised and I fail to understand that how, one after the other, persons are asking what is the result that the release of these 40 people has given to this country. I feel that the Jodhpur detainees were never guilty. Only few of them may be guilty but they were never tried. Those are the guilty who kept them behind the bars for four years without any guilt. They are the real guilty ones. I have to ask one thing. I beg through you Sir, let us remove the impression that has gone down before the country. Why is the peace not returning to the State of Punjab?

The impression has gone down by three ways. The first one is that the Central Government has no faith in peaceful agitations launched in Punjab may be under Sant Longowal or may be under any leader. They want to discredit the peaceful agitating people of Punjab.

The second way by which the impression has gone down is that this Government does not want the negotiative measures to succeed.

The third way is that the door to the Constitutional option should be closed. Those who believe in Constitutional framework should be discouraged and they are discouraged. People are pushed towards the extra-Constitutional measures. People of Punjab don't believe Central Government. They can back out even from written agreement and which is passed in Parliament. They don't believe in judicial commissions. Judicial commission says something about Fazilka and other things about Chandigarh. There are no policies regarding

Punjab. There are different laws for Punjab and entirely different laws for India and through its implementation or promulgation or taking the powers, it is being brought true. Everybody says that there are few terrorists who are being supported from outside. If they are supported from outside, it means that inside, the people of Punjab do not support them. Through you, I ask the Government whether this measure will strengthen those people who are not supporting terrorists or whether this measure will weaken those people or make them discredit by this action. The impression in Punjab is that the Government of India wants to continue confusion, uncertainty and frustration in Punjab. This impression should be removed. It can only be removed if we strengthen the hands of those people who believe in avoiding confrontation between the Centre and the State. We should strengthen those people who believe in Constitutional measures. In my opinion, emergency for the whole of India is coming. Previously, when emergency was proclaimed, it was only the Punjabis, the Akalis who had continuously launched a peaceful agitation against the emergency. Now, they have decided to curb Punjab first, later on comes the rest of the country so that the light of protest is extinguished. It is a matter of distress. The gap is widening. The Government should come with a liberal, open mind to satisfy the people of Punjab. With these words, I oppose this measure.

[Translation]

SHRI PIYUSH TIRAKY (Alipurduars): Mr. Deputy Speaker, the Punjab problem has been discussed here a number of times and today the Government has brought forward a Constitution (A) Bill to discuss the Punjab problem once again. The Barmala Government as well as the President's rule have failed there. I doubt whether the Government will be able to solve the Punjab problem by invoking emergency measures.

[Sh. Piyush Tiraky]

I want to know the purpose for which the Government wants to impose emergency? Is it for dealing with the terrorists or to make the peace-loving citizens terrorists? I do not think that this emergency is meant for the terrorists. Due to the coercive methods being adopted by administration good people are turning to terrorism. It would have been in the fitness of things had the emergency been imposed in Delhi. The present administration has become so strict that it does not spare anybody. Even the leaders are being subjected to intimidation. If the administration is vested with so many powers, then even the good people, the peace loving people will turn terrorists. The next thing that I would like to say is that the administration, on which the Government wants to rely for imposition of emergency has become much corrupt. A sense of fear prevails in everybody's mind right from the Chowkidar. The Government has failed to extradite Win Chandra. The entire Government machinery including the Prime Minister has failed to do so. It has failed to extradite a single individual from abroad. It is, therefore, wrong to say that they would be able to restore peace in the country. The Government should not try to solve all these problems in this manner. The Government has failed on all fronts. Instead of resorting to emergency measures, it will be far better if the Home Minister comes forward and openly says that he has failed to deliver the goods. He should request the House to induct somebody else as Home Minister in his place. It will be a right course for him to do. The Government is going to invite trouble for itself by bringing forward these emergency provisions. Now the situation has reached such a stage where the people have started fearing the people of Punjab at the sight of a turban. They think whether they are terrorists. In this way the Government has given a bad name to the entire community of the society throughout the country and the people are now afraid of those very people

who were known as patriot throughout the country. Such a situation has been created in the society by the Government. Now it intends to make good people terrorists by imposing emergency there.

I strongly oppose this Bill. If they want to protect the country and save the Government, they should withdraw this Bill.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, in a way it would be beneficial to the opposition. We won after the emergency. If elections are held after an emergency, the ruling party will lose and we will win. Indirectly, it is beneficial to us. We are, however, opposing it in the interest of the country, in the interest of Punjab and in the interest of the people. The Government intends to take advantage of these provisions. In this connection I would like to point out the drawbacks in the policy of the Government to the Home Minister. Though the Government has been empowered with 24 Acts, it intends to impose emergency to solve the Punjab problem. It has been claimed that various accords viz the Punjab Accord, the Assam Accord and the Sri Lanka Accord have been finalised with the emergence to Shri Rajiv Gandhi. But we know what has happened to these accords. The entire country is facing a difficult situation due to all these accords. All of us and the people as a whole are perturbed. The Government has brought forward a number of Acts from time to time to solve the Punjab problem and stamp out terrorism from the State. These Acts have been enforced throughout the country. These are being implemented in Andhra Pradesh also. The Government of Andhra Pradesh is apprehending common men under these provisions. It is not only in Punjab, but also in Maharashtra and other parts of the country people are being apprehended on the pretext of terrorism. When the Government had less powers with them, we abandoned the entire opposition and joined hands with them

to solve the Punjab problem. It sought powers to have a security belt in an area of 5 kilometres along the border. But what did it do? It has no guts. It all needs courage to do a thing. If the rider is not strong enough to control a horse, it will be difficult to handle a horse. Similarly, there is not a single capable person in the Government who can hold the reins of the administration. Whether it is Rajiv Gandhi or Buta Singh, no one is capable. There is no dearth of laws in the country. In spite of that the Government has not been able to have a security belt in an area of 5 kilometres along the border. The Government maintains that some foreign forces are working behind this problem. Which are these forces? Could the Government name these forces? It cannot, because it has no guts. It cannot tell the same to any Committee or the Parliament. It is a matter of shame that arms and ammunitions are entering the country from abroad. At night the terrorists attacked the C.R.P.F. personnel with rockets. Rockets are not tiny substances like mosquitoes which can easily enter without anybody's notice. Why did not the Government detect the weapons before they could enter the country. The Government does not want to solve this problem because it is not capable. The problem is beyond their control. They are going on formulating laws (*Interruptions*). The Government already has 24 laws with it. What more they would be able to do by formulating one more law. This law will ultimately be misused by the Government. (*Interruptions*) It may be recalled that an emergency had been clamped by the Government in 1975. Imposition of emergency means entrusting all the legal powers to the Executive and to the Police. Instead of proclaiming emergency, the Government can solve the problem by providing military assistance to the civil administration. But the Government intends to harass the people by imposing emergency and that is why this Bill has been brought here. Shri Chidambaram delivered a very good speech in good Eng-

lish, but does he have the experience of the emergency of 1975? He has no such experience. He did not go to jail for one and a half year during the emergency (*Interruptions*). But we did go to jail for one and a half year (*Interruptions*). It may tell you that the emergency may satisfy a handful of people, but it will not solve the Punjab problem. I know why the Government intends to impose emergency in Punjab for a period of 2 years. It is because the term of the present Lok Sabha expires in December 1989 and by that time two months will still remain for the emergency period to come to an end. In the meantime the Government would like to extend the term of the Lok Sabha under Article 83 of the Constitution. At that time also Shrimati Indira Gandhi had extended the term of the Lok Sabha from 5 to 6 years. It was due to the Allahabad High Court's Judgement that an emergency was proclaimed in the country on the plea of internal disturbances and several top leaders and common people were put behind the bars for one and a half year. The people were deprived of their rights. The Government intends to dig its own burial by bringing such a black law again. I, therefore, oppose this Bill.

[English]

SHRI AMAR ROY PRADHAN (Cooch Behar) Mr. Deputy Speaker, Sir. We should all learn lesson from the past and accordingly we should take steps in future. But I am sorry to say that the Congress-I has not learnt lesson from its past and what they did in the past they are again doing the same thing. They are bringing this Bill because they have a proven majority in this House. Through this Bill they want to divide the people of India which is unconstitutional.

I oppose the obnoxious, malicious and pernicious legislation. This is a black Bill. I oppose this draconian law as it wants to strangle the voice of the democracy and the democratic rights that were guaranteed

[Sh. Amar Roy Pradhan]
in our Constitution.

It seems to me that this Government, headed by Shri Rajiv Gandhi, is very much determined to strike at the very root of democracy and snatch away the basic and fundamental rights of the people of India. They are digging the grave for the constitution. They are bringing this emergency just like a budgetary provision. They are bringing it in instalments. The ruling party may not agree with us today. But everyone will agree with me when I say that today it is being applied in Punjab and tomorrow it may apply to Gujarat, next in Bihar and in this manner it may extend over the entire country. And the whole country would be under emergency.

Sir, we can never forget those terrible and dark days of emergency and the tortures of emergency. The entire country had become a prison house during the emergency. Thousands had been in jail for a long time in the course of the emergency. And how were they treated in and outside the jail? All rights had been taken away. The freedom of the press was completely curtailed. Even quotations from Ravindranath Tagore, Bankim Chandra and Jawaharlal Nehru were not allowed in the name of censorship. Shri Priyaranjan Das Munshi is sitting here now. What can I say about these people now?

(Interruptions)

The behaviour of Congress(I) people reminds me of boys in class room who indulge in all sorts of mischief sitting in the back benches. When the teacher reprimands them, they would assure the teacher that they would not repeat the mischief. But again they commit the same mistake. In the same fashion, these Congress people were very much repentant and they assured that emergency would never be imposed again. But again, we see that that very emergency

is being imposed. That is why, I am very much against this Bill. And I oppose this Bill.

SHRI N.V.N. SOMU (Madras North):
Sir, once again it is a sad day in the history of India, because the Government is bringing the black law again.

With the help of this Bill, you are enabling yourself to impose emergency in Punjab for two years. The Government itself its confessing that for two years nothing could happen in Punjab.

What does this Constitutional amendment show? It only proves that all these years the efforts of the Rajiv Government are a total failure. And now you come before this House to arm yourself with more and more powers. You are arming yourself with weapon after weapon. Still, you are not able to solve the problems of Punjab. You are not able to solve the boundary dispute there. You are not able to solve the water dispute there. Let alone Punjab, you are not able to solve the water disputes among the peaceful States even! I give here an example of the Cauvery water problem and the Telugu Ganga scheme of Tamil Nadu, Andhra Pradesh and Karnataka. Even in these States where peace prevails, you are not able to solve the disputes.

Then, what are you going to achieve by this amendment? The only thing that you can achieve is gagging the press, the fourth estate, and by law or by executive order you would impose pre-censorship not only in Punjab but also in the rest of India thereby stopping the coverage of news concerning Punjab. In this way, you are going to prevent the rest of India to know as to what is happening in Punjab.

You are trying to isolate Punjab from the other parts of India. This amendment will give you power to prevent the entry of people

into Punjab and this includes even the journalists.

You will also have to power the ban meetings in and outside Punjab. The suspension of Article 19, due to the declaration of emergency will cripple the functioning of democracy. Freedom of expression, assembly, association of movement in any part of the country and of carrying out a business or a profession would become inoperative not just in Punjab but in relation to Punjab in other parts of the country too.

You want to declare emergency in the name of 'internal disturbance'! But what is internal disturbance? There is no proper definition as to what is an internal disturbance. And internal disturbance in the Congress Party is considered by you as internal disturbance to the country! Today, emergency is being imposed in the name of internal disturbance. And 13 years back, emergency was imposed due to individual disturbance. In 1975, you imposed emergency after the Allahabad High Court judgment about one individual and it was an individual disturbance then. Thousands of people were arrested and detained and leaders of the opposition parties were not only arrested but tortured too.

In Tamil Nadu, we opposed the Emergency tooth and nail. Our Leader Dr. Karunanidhi described the declaration of Emergency as laying the foundation for Dictatorship. Can Government withstand all the oppressive measures of Emergency?

Hundreds of our Party workers were arrested and front rank leaders were detained under MISA. Two of them Chittibabu and Porchezian died in prison.

People all over India praised that only in Tamil Nadu "you can be an independent citizen and you can feel the breeze of Independence there."

For opposing Emergency our Government was ousted. Our leaders were maligned. Radio, T.V. and other Medium were used against us and to malign the D.M.K.

If the people are not supporting your views, you are contemplating to corner them through Emergency. But it was a total failure. Mrs. Indira Gandhi repented herself for declaring Emergency, later. She apologised for bringing Emergency and for its excesses at our Marina Sands in Madras in the presence of my leader Dr. Karunanidhi. She said that I am also a human being. I quote "It is human to err and it is more human to rectify." I think that would give a lesson to our present Prime Minister Shri Rajiv Gandhi.

Through this oppressive Bill, once again this Government wants to crush the Opposition and strangle the voice of Democracy.

Tamil Nadu also is under President's Rule. I hope for the sake of Congress Party, it will not proclaim Emergency in Tamil Nadu.

Sir, this Bill is against all norms of rights and principles of humanity.

As the Home Minister has withdrawn the Objects and Reasons from the Bill itself, I request him to withdraw the Bill also.

MR. DEPUTY SPEAKER: Shri Mewa Singh Gill.

(Interruptions)

DR. DATTASAMANT: Please allow me also.

MR. DEPUTY SPEAKER: At 6 O'clock, the Minister is going to reply. If time permits, I will allow you also.

(Interruptions)

MR. DEPUTY SPEAKER: On every Bill you want to speak. I am giving you opportunities to speak on every Bill.

(Interruptions)

MR. DEPUTY SPEAKER: I have to see others also. I have to give opportunity to other Members also. Everytime I am giving you opportunity to speak. You please allow him to speak.

DR. DATTA SAMANT: I spent three years in Jail during emergency. I know how you are going to implement this Act. (Interruptions)

SHRIM.S. GILL (Ludhiana): Mr. Deputy Speaker, Sir this 59th Constitution Amendment Bill to me will go in the history as Rajiv's Emergency Bill. It reminds me of the Rowlatt Act days and the horrors of the Rowlatt Act days and also the Emergency period of 1975. This is not only a betrayal of the faith of the people but also a betrayal of the democratic principles and the democratic ethics. It is going back from the solemn assurance given on the floor of this august House by the predecessors and the Members of the Congress that Article 21 of the Constitution shall never be suspended. Again this is something antithetical of what they want to say. This is a self-defeating Bill in my opinion because the reasons and the object of the Bill is that the security and unity of the country should be secured. But I am afraid the Bill which they have brought—some provisions are going to shake the faith of the people and unity and integrity of the country. The reasons are—the people in the streets are given to understand—by the introduction of the Bill, that there are two Constitutions in India—one applicable in Punjab and the other in the rest of India. This is the message which the common people will be understanding. Punjab is a place which is separate from the rest of India. Once the idea comes into the minds of the people, that the persons

roaming in the streets of Punjab have no right to life, have no right to liberty, and that the persons outside the boundaries of Punjab have their rights to liberty and life, then that is the basis on which Punjab will be separated from the rest of India, in the minds of the people. This is the folly which the Government is committing.

I am reminded of those days. After all, what do they want to get out of this emergency? There are three parts of this Bill. One, for the extension of the President's rule in Punjab. Number two, adding another ground, viz, internal disturbances, for the imposition of emergency. Number three, the power to take away the right to life and to liberty from out of the people of Punjab. These are the three provisions. What do they want, after all? During the last five years, they have enacted as many as two dozens of Bills. The Terrorists—Affected Areas Act, and the Terrorists and Disruptive Activities (Prevention) Act are already in force there. What more draconian measure can they bring? The Act itself says that a man can be kept in jail for one year without trial, without filing a charge-sheet in the court, for one year. A man is denied bail, because if the Prosecutor says that it should not be allowed, he will not be given the bail. A person accused of such offences can be put in jail from five years to life imprisonment; and the trial can be *in camera*; and a person can be coaxed into giving a confession which will be the basis for the conviction under those rules. Not only that; a confession before a police officer is the basis for the conviction under that law.

These are the laws which are already in existence. After all, what do they get out of imposing emergency, except that they will catch hold of innocent persons, they will catch hold of their political enemies, and put them in jails without trial? They want to take away the right of the people to approach the courts. Now the political people have been

approaching the courts and getting some remedy. The Government wants to shut the mouth of the people; they want to gag the press, they want that the people who have got some ideas opposed to the ruling classes, should not move about in Punjab. That is the only idea.

After all, as I already said, according to their own figures stated here in the House, the number of terrorists is at the most 500; maximum 1,000; and they want to fight those terrorists. They do not want to fight any other forces. They want to fight the terrorists. The Government must remember the Karisara incident where terrorists came to that village and shot down 34 persons. And there were 14 Sikhs in that group, and those terrorists wanted those Sikhs to be separated from the Hindus, so that their lives could be saved. I am reminded of those heroes. Those 14 Sikhs said: 'No; we will die along with the Hindus. We do not want to be separated.' And they faced their death gallantly.

We forget those things. Instead of appreciating this spirit of the Punjabi people, instead of appreciating the spirit of the Sikhs that they were one with Hindus there in Punjab—and they have along been fighting against these forces and they have kept the Hindu-Sikh unity all these days, months and years instead of appreciating this, they are resorting to this sort of emergency Bills which would mean—again I would say, at the cost of repetition a step towards separation.

Mr. Deputy Speaker, when the Rowlatt Act was brought here, you know how gallantly our forefathers fought that Act. There were three parts of that Act. The first part said that the trial would be *in camera*; and that the trial would be by three judges of the High Court and that there would be no appeal. This was one; and there was a slogan throughout India, that this was an Act where there was no appeal, no *Dalli* and no *Valu*.

This slogan echoed throughout India from one corner to the other, and there was insurgency in the entire country.

18.00 hrs.

I remind the ruling party that if they go on imposing such type of laws, the people of India will rise, as the opposition has risen here today against this draconian law, a day is not far off. As the Rowlatt Act was defeated in the streets of India—this emergency law will also be defeated in the streets of India.

With these remarks, I oppose the Bill with all the force at my command.

SHRIMATI D.K. BHANDARI (Sikkim): I rise to oppose this Bill which intends to make the people of Punjab the second class citizens by taking away certain fundamental rights. By doing this, the innocent people of Punjab will be sandwiched between the bullets of terrorists and the administration wielding emergency laws. I feel by doing this the people of Punjab will be more alienated than to be integrated.

In this very House, we, the members, gave them one stringent law after another to make the hands of the government stronger to fight with terrorists, because not only this House, but the whole nation was and is in seize of the situation which is prevailing in Punjab. But to what effect? Today, they have brought forward this Bill seeking to impose emergency in Punjab. This is to one extent the admission of the failure of the government of their various measures to tackle the growing tentacles of terrorism. I have no doubt that this Bill will be passed in this House despite the vehement opposition and the voice of reason of the opposition parties by using the brute majority of the ruling party. But I would like only to suggest that the government should continue the effort to find a political solution to the Punjab problem.

[Shrimati D.K. Bhandari]

One is mistaken if even today it is taken as a law and order problem. I sincerely hope that this emergency would not be allowed to run its two year term that before long a peaceful settlement is reached on this Punjab tangle.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L.BHAGAT): We should understand that eight hours have already been taken. I have no objection to speaking by other members. We want to finish it.

DR. DATTA SAMANT (Bombay South Central): The people of this country will never accept and accommodate such type of suppressive and oppressive acts. The government should have learnt from 1975 to 1977. Ten years ago how the government miserably suffered and how the people of this country had thrown them out. There is something wrong with this government. It is my experience. When a mad dog goes on biting innocent people to show his superiority, the action of this government can be compared with a mad dog. I think, definitely, a mad dog dies after 24 hours after one day. This government will take maximum one year if they go on acting like a mad dog in this country. (Interruptions) I am against this Bill. I think the government should withdraw this type of a Bill. (Interruptions). There are already six amendments passed in three years. They have passed 18 laws in five years. This is a world record. We have to give something to Shri Buta Singh for his contribution. After implementing it, you can do everything. If you want to punish terrorists, you can do it; you can arrest them, keep them in jails and so on. All these laws are more or less sufficient to tackle them. For whom is this emergency? Is it for the people of Punjab?

As far as implementation of these laws

is concerned, there is a big failure on the part of the government. National Security Act and MISA were applied against me four times though I was an MLA in Maharashtra. National security—for whom? For the mill owners? Forty of my activists were arrested under the National Security Act, to please Dhirubhai Ambani so that his interests are protected by arresting these leaders.

The National Security Act was amended in 1986. What happened in 1986? More arrests took place in Punjab. There were 284 arrests in Maharashtra, but 276 in Punjab.

Under the Terrorists and Disruptive Activities Prevention Act, 2,000 farmers were arrested in Gujarat. What is this? A declaration was made here that it will not be misused. And yet the daughter-in-law of a magistrate was arrested under the TDAP Act in Gujarat.

That is the nature and character of this Government, that all these laws which were passed here are not implemented properly but they are used against the people. The Government is using this national Security Act. For whom? To suppress the people. To suppress the show of superiority of the Hindus. The eyes of the Government are on the elections. They think that the Hindu community will vote for them.

Similarly in Tripura, military was brought to get the votes. Emergency is being brought in Punjab to get the Hindu votes. I accuse the Government that they are having ulterior political motives. That is why they are acting in this manner. The people who were the advisors when the earlier Emergency was proclaimed in 1975, the same people are advising Shri Rajiv Gandhi also.

MR. DEPUTY SPEAKER: Your time is over. Please conclude.

DR. DATTA SAMANT: You are not allowing me to speak. I oppose this Bill tooth and nail.

[Translation]

THE MINISTER OF HOME AFFAIRS (S.BUTA SINGH): Mr. Deputy Speaker, Sir, the M.Ps have expressed their views on the serious or complicated problem of Punjab. There is not doubt that the problem of Punjab is quite serious and whenever there was a new turn in the situation, we came to this House that gave full support to the Government. In order to end the menace of terrorism, separatism and communalism, which have engulfed Punjab, all the political parties in Punjab imbued with the spirit of nationalism launched a campaign. In today's discussion, many leaders of the opposition expressed their political views and it is quite natural for them to do so. The constitutional points raised by Prof. Dandavate, Shri Reddy and Shri Somnath have been dealt with by Shri Kaushal and Shri Chidambaram. It is regrettable that if the doubts raised here or in the other House had been basically constitutional, then we would have taken note of them.

Efforts are being made to create a confusion and mistrust in the minds of the people in the country as if the Government of India is going to impose emergency in the country. I am happy that after today's discussion, the atmosphere of doubt and distrust will end. The provisions of this Bill will be applied to Punjab only when there is a dire need of it. But I am surprised to hear Prof. Dandavate who said that under the 44th amendment, they have removed the words. "Internal disturbance" from the Constitution. I am not a lawyer, he might have been a professor of lawyers. I am simply quoting the Constitution without interpreting it. Because I am not at all able to interpret it, may be Shri Bhagat can do. If we read Article 355, which was covered under the 44th amendment

and which they did not touch,—I may read it for you it is clearly written in it.

[English]

"Duty of the Union to protect States against external aggression and internal disturbance."

[Translation]

I will not read the whole Article. It is the duty of the Government of India to protect all the States from external aggression and internal disturbance and if I am doing it. I am fulfilling my duty as a Home Minister. (Interruptions)

[English]

The fact is that even in the 44th Amendment, the then Government did not consider that the 'internal disturbance' should be removed from Article 355, which is the exclusive charge of the Government of India. Then I have only sympathies for you and I must pay my tributes to the then Government, though they were thrown out. They thought that this kind of emergency can arise where the Government of India must protect the States against the internal disturbance.

[Translation]

Sir, I have said that I am neither a specialist nor a lawyer. You are a lawyer. You may go on interpreting it and telling the people but no one will accept it.

SHRI BASUDEB ACHARIA: Why do you interpret it wrongly? We will definitely accept it.

S.BUTA SINGH: Prof. Dandavate gave his speech for over one hour, but it is surprising that he didn't utter a single word about Punjab or about the Bill. He only narrated some tales about himself and about his

[Sh. Buta Singh]

elders as to what they did during the emergency, as if their elders were great kings. He found an opportunity to pay tributes to late Shri Jai Prakash Narain, as he was not able to do so then. They were responsible for making the life of late Shri Jai Prakash Narain miserable during their regime and perhaps this was the cause of his early death. Mr. Deputy Speaker, Sir (*Interruptions*)

[English]

PROF. MADHU DANDAVATE: Let him not use the name of Jai Prakash Narain in this.

[Translation]

S.BUTA. SINGH: You referred to his name, so I, otherwise, I would not have made any reference. We all know that he was very much alive in Patna, when his Government had declared him dead. This was their respect for him. Shri Jai Prakash Narain was a great patriot and in his leadership and owing to his inspiration, lakhs of young people served their country....(*Interruptions*)...Kindly sit down. We are not talking about you.(*Interruptions*)**

[English]

MR. DEPUTY SPEAKER: Nothing goes on record.

[Translation]

S. BUTA SINGH: Sir, I was saying that the Telugu Desam, the Bhartiya Janta Party, the Janta Party, etc. had decided that under the leadership of the hon. Prime Minister, all the leaders of the opposition would launch a joint campaign in Punjab. In that campaign

the C.P.I.(M), the C.P.I. and for some time the B.J.P. also did some work with us. That campaign went on smoothly. The Shiromani Akali Dal (Barnala Group) also joined us for some time, but so far as the other Akali Dal is concerned, some of whose hon. members are present in this House, it never launched any campaign against terrorism and separatism in Punjab.....(*Interruptions*)

Sir, without exaggeration, I want to submit to this House that if those hon. Members of the Akali Dal, who are present in this House, give an assurance to this House that they will come forward realising it their duty and launch a campaign for the unity and integrity of the country, then I promise that we will never impose emergency in Punjab.(*Interruptions*)

SHRI SHAMINDER SINGH (Faridkot): We have said it several times. You stop the State terrorism. State terrorism is the cause of terrorism in Punjab. If you stop the State terrorism then we will give you the assurance. We have said it several times that we are loyal to this county more than you....(*Interruptions*)

S. BUTA SINGH: I am not talking about anyone's loyalty here....(*Interruptions*)

SHRI SHAMINDER SINGH: We are loyal to this country more than you and every drop of our blood will flow for this country.(*Interruptions*)

S. BUTA SINGH: I am not talking in that context.

[English]

PROF.MADHU DANDAVATE: You have challenged them. Now, you accept the challenge. You are asking for assurance. He is giving the assurance.

[Translation]

S. BUTA SINGH: Prof. Dandavate, Mr. Acharia, please listen to me (Interruptions)

SHRI CHARANJIT SINGH WALIA (Patiala): We are loyal to this country (Interruptions) We as Member of Parliament give you an assurance. (Interruptions)

S. BUTA SINGH: Mr. Deputy Speaker, Sir, today, in the House, some hon. Members are wearing black bands..... (Interruptions)

[English]

SHRI CHARANJIT SINGH WALIA: The hon. Home Minister asked my party and me to clarify our stand about the unity and integrity of this country. We have always honoured it. We assure the nation also that we have never doubted the unity and integrity of the country. (Interruptions) As Members of this hon. House, it is our duty also that we should honour the rules, laws, Acts and the Constitution and we should ask the Government also to honour them. (Interruptions)

MR. DEPUTY SPEAKER: Minister is on his legs. You take your seats.

S. BUTA SINGH: I have said that if they assure this House that they will fight terrorism, we will not resort to Emergency. After this Act is passed, we will not proclaim the Emergency... (Interruptions)

You see the record.. (Interruptions)

MR. DEPUTY SPEAKER: Please order.... (Interruptions)

SHRI BASUDEB ACHARIA: Sir, he wanted an assurance from them and they have given the assurance. Now he should

withdraw the Bill.... (Interruptions).

S. BUTA SINGH: You are misquoting me.

[Translation]

S. BUTA SINGH: You are misquoting me. I have stated and I repeat it again that if the hon. Members of the Akali Dal are ready to come forward and fight terrorism and secessionism for the sake of the country, then we will never proclaim emergency. (Interruptions) I have just said it (Interruptions) But my submission is that today some hon. Members are wearing black bands which should not be in accordance with the rules of the House. But I would like to ask how many killings have taken place in Punjab. A little while ago Shri Mewa Singh Saheb made a reference to the Hoshiarpur incident about which all of us feel proud, but the moot point is, did you people also wear black bands on the day of shootout in which many persons were killed. (Interruptions) Sir, on the death of a State level youth leader of the Yuva Akali Dal belonging to Patiala, the constituency of Waliaji, their Party could not even pass a condolence motion and here they say that they are against terrorism. (Interruptions) Sir, I would like to state that the Party of Prof. Madhu Dandavate did not take part in the joint campaign of the C.P.I. (M) the C.P.I., the B.J.P. and the Congress ... (Interruptions)

[English]

PROF. MADHU DANDAVATE: Mr. Surendra Mohan attended the first rally. When he found that ... (Interruptions)

[Translation]

S. BUTA SINGH: Their leaders staged a walkout there. Just a while ago a leader of the Bhartiya Janta Party, Janga Reddy Saheb, referred to emergency and he

[S. Buta Singh]
should know that the State unit of the Bharatiya Janta Party.....(Interruptions)

SHRI M.S. GILL (Ludhiana): Deputy Speaker, Saheb, we are as patriot as they are. For the security of the country we ...
(Interruptions)

[English]

MR. DEPUTY SPEAKER: I am not allowing him. Nothing except Minister's reply will go on record.

[Translation]

(Interruptions)**

S. BUTA SINGH: Mr Deputy Speaker, Sir, the Punjab unit of the Bharatiya Janta Party has demanded.....(Interruptions)

SHRI M.S. GILL: Deputy Speaker Saheb...(Interruptions)

[English]

MR. DEPUTY SPEAKER: I am not allowing him to speak. Nothing will go on record what he says.....

(Interruptions)**

[Translation]

S. BUTA SINGH: Mr. Deputy Speaker, Sir, today also the State level leaders of the Bharatiya Janata Party have demanded that Punjab be handed over to the Army. On the one hand, Army rule is being demanded for Punjab and on the other, Janga Reddy Saheb is even opposing limited measures which Government propose to take. See the contradiction in the statements. To mislead

the people of Punjab, they are stating that the Government of India is not handing over Punjab to the Army and on the other, they are demanding rejections of the Bill and are also opposing emergency measures which Government propose to take. From all this it appears that the Opposition Groups are simply trying to create chaos in the country and mislead the people. The campaign launched by the Government of India at national level against terrorism in Punjab is not of any one Party, but of all the Parties. Just now a reference was made as to why the assembly was dissolved. Here is an example before us. The former Chief Minister, Shri Barnalaji, though in violation of all constitutional provisions, made an offer to the United Akali Dal to take back 22 expelled members, if they were willing to come back to the Party but the offer was turned down by the leaders of the United Akali Dal. There was no other way out for the Government except to come before this August House when there was no possibility of democratically elected Government coming to power. The Government came before the August House and brought forward this measure to extend the President's rule in Punjab. Constitutionally there was no other way out before the Government.

There are two proposals under this Bill. One is to extend the period of President's rule in Punjab, which is well within the constitutional parameters, and second proposal is about imposition of emergency in Punjab if necessary. I have been saying again and again that through involvement of the people and the support of all political parties, we can root out terrorism from Punjab. But if these political parties in view of their strategy do not cooperate with the Government in this task then the Government of India will never shy away from its responsibility. For preserving the unity and integrity of the nation it is

our duty under the Constitution to bring peace in Punjab through every possible constitutional measure. To achieve this end, if need arises, then the Government will not hesitate from taking harsh measures.

But I would like to make one thing very clear that if some parties or some people think that through such tactics they can continue to harass the people of Punjab, then the Government will not allow them to do so for long because the Government is determined to drive away the enemies of the country from Punjab, the land of patriots, and end terrorism in Punjab. For this purpose, the Government is prepared to go to any extent

I request this August House that in order to fulfil the national task, all the parties should unitedly extend their cooperation to the Government in rooting out the menace which has engulfed Punjab. For this I seek the cooperation of all and request this August House to pass this Bill

[English]

MR DEPUTY SPEAKER. Before I put the motion for consideration to the vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared. Now the Lobbies have been cleared.

The question is:

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

The Lok Sabha divided

Division No. 1]

18. 35 hrs

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z R

Antony, Shri P A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwan Lal

Baitha, Shri D.L

Bajpai, Dr. Rajendra Kumar

Bala Goud, Shri T.

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Barrow, Shri A.E.T.

Charles, Shri A.

Basavarajeswari, Shrimati

Chaturvedi, Shrimati Vidyavati

Basavaraju, Shri G.S.

Chaudhary, Shri Manphool Singh

Basheer, Shri T.

Chaudhry, Shri Kamal

Bhagat, Shri B.R.

Chavan, Shri Ashok Shankarrao

Bhagat, Shri H.K.L.

Chidambaram, Shri P.

Bhakta, Shri Manoranjan

Choudhari, Shrimati Usha

Bharat Singh, Shri

Choudhary, Shri Jagannath

Bhardwaj, Shri Parasram

Choudhary, Shri Nandlal

Bhatia, Shri R.L.

Dabhi, Shri Ajitsinh

Bhoi, Dr. Krupasindhu

Dalbir Singh, Shri

Bhosale, Shri Prataprao B.

Dalwai, Shri Hussain

Bhumij, Shri Haren

Damor, Shri Somjibhai

Bhuria, Shri Dildeep Singh

Das, Shri Anadi Charan

Birbal, Shri

Das, Shri R.P.

Birendra Singh, Rao

Das, Shri Sudarsan

Birinder Singh, Shri

Das Munsi, Shri Priya Ranjan

Brahma Dutt, Shri

Dennis, Shri N.

Budania, Shri Narendra

Deora, Shri Murl

Bundela, Shri Sujan Singh

Dev, Shri Sontosh Mohan

Buta Singh, S.

Devi, Prof. Chandra Bhanu

Chandrakar, Shri Chandulal

Dhariwal, Shri Shanti

Chandrasekhar, Shrimati M

Dhillon, Dr. G.S.

Chandrasekharappa, Shri T.V

Digal, Shri Radhakanta

Chandresh Kumari, Shrimati

Dighe, Shri Sharad

Digvijaya Singh, Shri

Gupta, Shri Janak Raj

Dikshit, Shrimati Sheila

Gupta, Shrimati Prabhawati

Dinesh Singh, Shri

Halder, Prof. M.R.

Dube, Shri Bhishma Deo

Harpal Singh, Shri

Engti, Shri Biren Singh

Jadeja, Shri D.P.

Faleiro, Shri Eduardo

Jaffar Sharief, Shri C.K.

Gadgil, Shri V.N

Jagannath Prasad, Shri

Gadhvi, Shri B.K.

Jain, Shri Nihal Singh

Gaekwad, Shri Ranjit Singh

Jain, Shri Virdhi Chander

Gaikwad, Shri Udaysingrao

Jangde, Shri Khelan Ram

Garnit, Shri C.D.

Jatav, Shri Kammodilal

Gandhi, Shri Rajiv

Jeevarathinam, Shri R.

Ganga Ram, Shri

Jena, Shri Chintamani

Gavit, Shri Mankrao Hodlya

Jitendra Prasada, Shri

Gehlot, Shri Ashok

Jitendra Singh, Shri

Gholap, Shri S.G.

Jujhar Singh, Shri

Ghorpade, Shri M.Y.

Kamal Nath, Shri

Ghosal, Shri Debi

Kamble, Shri Arvind Tulshiram

Ghosh, Shri Bimal Kanti

Kamson, Prof. Meijinlung

Ghosh, Shri Tarun Kanti

Kaul, Shrimati Sheila

Gohil, Shri G.B.

Kaushal, Shri Jagan Nath

Gomango, Shri Giridhar

Ken, Shri Lala Ram

Gounder, Shri A.S.

Keyur Bhushan, Shri

Gowda, Shri H.N. Nanje

Khan, Shri Aslam Sher

Guha, Dr. Phulrenu

Khan, Shri Khurshid Alam

Khan, Shri Mohd. Ayub

Manvendra Singh, Shri

Khatti, Shri Nirmal

Meena, Shri Ram Kumar

Khirhar, Shri R.S.

Mehta, Shri Haroobhai

Kinder Lal, Shri

Meira Kumar, Shrimati

Krishna Singh, Shri

Mishra, Shri G.S.

Kshirsagar, Shrimati Kesharbai

Mishra, Shri Ram Nagina

Kuchan, Shri Gangadhar S.

Mishra, Shri Shripati

Kujur, Shri Maurice

Mishra, Shri Umakant

Kumaramangalam, Shri P.R.

Misra, Shri Nityananda

Kunjambu, Shri

Modi, Shri Vishnu

Kuppuswamy, Shri C.K.

Mohanty, Shri Brajamohan

Kurien, Prof. P.J.

More, Prof. Ramkrishna

Lachchi Ram, Shri

Mukhopadhyay, Shri Ananda Gopal

Law, Shri Asutosh

Mundackal, Shri George Joseph

Lowang, Shri Wangpha

Murmu, Shri Sridha Lal

Madhuree Singh, Shrimati

Murthy, Shri M. V Chandrashekara

Mahabir Prasad, Shri

Mushran, Shri Ajay

Mahendra Singh, Shri

Muttemwar, Shri Vilas

Makwana, Shri Narsinh

Naik, Shri Shantaram

Malik, Shri Dharampal Singh

Naikar, Shri D.K

Mallick, Shri Lakshman

Namgyal, Shri P.

Malviya, Shri Bapulal

Narayanan, Shri K.R.

Mane, Shri Murlidhar

Nawal prabhakar, Shrimati Sunderwati

Mane, Shri R.S.

Neekhara, Shri Rameshwar

Manorama Singh, Shrimati

Negi, Shri Chandra Mohan Singh

Netam, Shri Arvind

Patil, Shri H.B.

Odedra, Shri Bharat Kumar

Patil, Shri Prakash V.

Odeyar, Shri Channaiah

Patil, Shri Shivraj V.

Oraon, Shrimati Sumati

Patil, Shri Uttamrao

Pakeer Mohamed, Shri E.S.M.

Patil, Shri Veerendra

Pandey, Shri Damodar

Patil, Shri Vijay N.

Pandey, Shri Madan

Patnaik, Shrimati Jayanti

Pandey, Shri Manoj

Pattnaik, Shri Jagannath

Panigrahi, Shri Chintamani

Peruman, Dr. P. Vallal

Panigrahi, Shri Sriballav

Pilot, Shri Rajesh

Panika, Shri Ram Pyare

Poojary, Shri Janardhana

Panja, Shri A.K.

Potdukhe, Shri Shantaram

Pant, Shri K.C.

Prabhu, Shri R.

Panwar, Shri Satyanarayan

Pradhan, Shri K.N.

Parashar, Prof. Naram Chand

Pradhani, Shri K.

Pardhi, Shri Kesharao

Puran Chandra, Shri

Paswan, Shri Ram Bhagat

Purohit, Shri Banwari Lal

Patel, Shri Ahmed M.

Purushothaman, Shri Vakkom

Patel, Shri C.D.

Pushpa Devi, Kuman

Patel, Shri G.I.

Qureshi, Shri Aziz

Patel, Shri Mohanbhai

Raghuraj Singh, Chaudhary

Patel, Shri Ram Pujan

Rai, Shri I. Rama

Patel, Shri U.H.

Rai, Shri Raj Kumar

Pathak, Shri Chandra Kishore

Rai, Shri Ramdeo

Patil, Shri Balasaheb Vikhe

Raj Karan Singh, Shri

Rejeshwaran, Dr. V.

Rawat, Shri Kamla Prasad

Rajhans, Dr. G.S.

Rawat, Shri Prabhu Lal

Ram, Shri Ram Ratan

Sahi, Shrimati Krishna

Ram, Shri Ramswaroop

Sahu, Shri Shiv Prasad

Ram Awadh Prasad, Shri

Sait, Shri Azeez

Ram Dhan, Shri

Sakargaym, Shri Kalicharan

Ram Prakash, Ch.

Salahuddin, Shri

Ram Samujhawan, Shri

Sankhawar, Shri Ashkaran

Ram Singh Shri

Sankata Prasad, Dr

Ramachandran, Shri Mullappally

Satyendra Chandra, Shri

Rampal Singh, Shri

Sathe, Shri Vasant

Rana Vir Singh, Shri

Sayeed, Shri P.M

Ranga, Prof. N.G.

Scindia, Shri Madhavrao

Ranganath, Shri K.H.

Sen, Shri Bholanath

Rao, Shri J. Chokka

Sethi, Shri Ananta Prasad

Rao, Shri J. Vengala

Sethi, Shri P C

Rao, Shri K.S.

Shah, Shri Anoopchand

Rao, Shri P.V. Narasimha

Shahi, Shri Laliteshwar

Rao, Shri V. Krishna

Shailesh, Dr. B.L.

Rath, Shri Somnath

Shaktawat, Prof. Nirmala Kumari

Rathawa, Shri Amarsinh

Shankaranand, Shri B.

Rathod, Shri Uttam

Shanmugam, Shri P.

Raut, Shri Bhola

Shanti Devi, Shrimati

Ravani, Shri Navin

Sharma, Shri Chiranjil Lal

Rawat, Shri Harish

Sharma, Shri Nand Kishore

Sharma, Shri Nawal Mohore

Soren, Shri Harihar

Sharma, Shri Pratap Bhanu

Sparrow, Shri R.S.

Shastri, Shri Hari Krishna

Sreenivasa Prasad, Shri V.

Shervani, Shri Saleem I.

Sukh Ram, Shri

Shingda, Shri D.B.

Sukhbuns Kaur, Shrimati

Shivendra Bahadur Singh, Shri

Sultanpuri, Shri K.D.

Siddiq, Shri Hafiz Mohd.

Suman, Shri R.P.

Sidnal, Shri S.B.

Sundararaj, Shri N.

Singaravadivel, Shri S.

Surendra Pal Singh, Shri

Singh, Shri Bhanu Pratap

Suryawanshi, Shri Narsing

Singh, Shri Chandra Pratap Narain

Swami Prasad Singh, Shri

Singh, Shri D.G.

Swell, Shri G.G.

Singh, Shri K.N.

Tapeswar Singh, Shri

Singh, Shri Kamla Prasad

Tewary, Prof. K.K.

Singh, Shri Krishna Pratap

Thakkar, Shrimati Usha

Singh, Shri Lal Vijay Pratap

Thara Devi, Kumari D.K.

Singh, Shri N. Tombi

Thomas, Prof. K.V.

Singh, Shri S.D.

Thorat, Shri Bhausaheb

Singh, Shri Santosh Kumar

Thungon, Shri P.K.

Singh Deo, Shri K.P.

Tigga, Shri Simon

Sinha, Shrimati Kishori

Tilakdhari Singh, Shri

Sinha, Shri Satyendra Narayan

Tomar, Shrimati Usha Rani

Sodi, Shri Mankuram

Tripathi, Dr. Chandra Shekhar

Solanki, Shri Kalyan Singh

Tyagi, Shri Dharamvir Singh

Solanki, Shri Natavarsinh

Vairale, Shri Madhusudan

Van, Shri Deep Narain

Biswas, Shri Ajoy

Vanakar, Shri Punam Chand Mithabhai

Chatterjee, Shri Somnath

Venkatesan, Shri P.R.S.

Choubey, Shri Narayan

Verma, Shrimati Usha

Cnowdhary, Shri Saituddin

Vijayaraghavan, Shri V.S.

Dandavate, Prof. Madhu

Vir Sen, Shri

Das, Shri R.P.

Vyas, Shri Girdhari Lal

Datta, Shri Amal

Wasnik, Shri Mukul

Deo, Shri V. Kishore Chandra S.

Yadav, Shri Kailash

Gill, Shri M.s.

Yadav, Shri Mahabir Prasad

Goswami, Shri Dinesh

Yadav, Shri R.N.

Hannan Mollah, Shri

Yadav, Shri Ram Singh

Hansda, Shri Matilal

Yadav, Shri Shyam Lal

Iyer, Shri V.S. Krishna

Yadava, Shri Bal Ram Singh

Jagathrakshakan, Dr. S.

Yadava, Shri D.P.

Kalpana Devi, Dr. T.

Yazdani, Dr. Golam

Khan, Shri Mohd. Mahfouz Ali

Yogesh, Shri Yogeshwar Prasad

Kurup, Shri Suresh

Zainul Basher, Shri

Malik, Shri Purna Chandra

NOES

Acharia, Shri Basudeb

Mishra, Shri Satyagopal

Athwal, Shri Charanjit Singh

Natarajan, Shri K.R.

Barman, Shri Palas

Patel, Dr. A.K.

Basu, Shri Anil

Pathak, Shri Ananda

Bhandan, Shrimati D.K.

Patil, Shri D.B.

Bhoopathy, Shri G.

Penchalliah, Shri P.

Raju, Shri Vijaya Kumar

Thomas, Shri Thampan

Ram Bahadur Singh, Shri

Tiraky, Shri Piyus

Ramoowalia, Shri Balwant Singh

Tulsiram, Shri V.

Rao, Shri A.J V.B. Maheswara

Walia, Shri Charanjit Singh

Rao, Dr. G. Vijaya Rama

Yadav, Shri Vijoy Kumar

Rao, Shri Srihari

Zainal Abedin, Shri

Rao, Shri V. Sobhanadreeswara

MR. DEPUTY SPEAKER:- Subject to correction, the result* of the division is:

Reddi, Shri C. Madhav

Ayes: 340

Reddy, Shri B.N.

Noes: 059

Reddy, Shri Bezawada Papi

Reddy, Shri C. Janga

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Reddy, Shri D.N.

Reddy, Shri E. Ayyapu

The motion was adopted.

Reddy, Shri P. Manik

MR. DEPUTY-SPEAKER: Now we shall take up clause-by-clause consideration of the Bill

Reddy, Shri S. Jaipal

Rryan, Shri Baju Ban

Clause 2

Roypradhan, Shri Amar

(Amendment of article 356)

Saha, Shri Ajit Kumar

DR. S. JAGATHRAKSHAKAN (Chengalpattu): I move:

Saha, Shri Gadadhar

Page 1, line 7—

Shaminder Singh, Shri

For "in this clause" substitute

Somu, Shri N.V.N.

"in sub-clause (b) of this clause"
(/)

Swamy, Shri D. Narayana

*The following members also recorded their votes:

AYES : Dr. C.S. Verma

NOES : Dr. Datta Samat, Shrimati Geeta Mukherjee, Sarvashree B.B. Ramaiah, Chitta Mahata, Manik Sanyal, Dr. Sudhir Roy, Sarvashree C. Sambu, Ram Narain Singh, M.R. Saikia and Ramashray Prasad Singh.

SHRI E. AYYAPU REDDY (Kurnool): I move:

have taken up the clauses. Now, the process is going on. Already the voting is going on.

Page 1—

(Interruptions)

after line 9, insert—

"Provided further that the Proclamation issued under clause (1) the 11th day of May, 1987 shall not in any event be in force after 11th day of May, 1989." (18)

MR. DEPUTY SPEAKER: Sir...

SHRI C. MADHAV REDDY: I pointed this out about the motion for referring to the Select Committee, earlier.

MR. DEPUTY-SPEAKER: At the time, when the Speaker called the names of Shri Anil Basu and Shri Manik Sanyal, they did not move their Amendments. The record is there. Those Amendments were not moved.

SHRI DINESH GOSWAMI (Guwahati): Mr. Deputy Speaker, I am on a point of order.

SHRI BASUDEB ACHARIA (Bankura): They were not called.

MR. DEPUTY-SPEAKER: What is your point of order?

MR. DEPUTY-SPEAKER: They were called and also the record is there.

SHRI DINESH GOSWAMI: It is under Rule 74 of the Rules of Procedure.

(Interruptions)

Under rule 74 of the Rules of Procedure:

MR. DEPUTY SPEAKER: I will read out:

"When a Bill is introduced or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

Mr. Speaker: Motion moved;

(i) that it be taken into consideration; or

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

(ii) that it be referred to a Select Committee of the House;...

There are two amendments to consideration motion. First, Shri Anil Basu — No Shri Manik Sanyal — No. The amendments to consideration motion are not moved."

Therefore, what I submit is, motion to refer to a Select Committee should precede the motion for consideration. In this case, no amendment that the Bill be referred to a Select Committee was moved.

The record is there. They were not moved.

(Interruptions)

SHRI C. MADHAV REDDI (Adilabad): I raised this question also.

MR. DEPUTY-SPEAKER: The record is there. What can I do now?

MR. DEPUTY-SPEAKER: Already we

SHRI ANIL BASU (Arambagh): I have given the notice.

(Interruptions)

MR. DEPUTY-SPEAKER: You would have given the notice. When the Speaker asked you to move and if you refused to move, what can I do? This is the record.

(Interruptions)

SHRI MANIK SANYAL (Jalpaiguri): What about the notice which I gave?

MR. DEPUTY SPEAKER: What about the record? The record is there.

SHRI ANIL BASU: It was wrongly recorded.

(Interruptions)

MR. DEPUTY SPEAKER. I cannot call you once again. The record shows that you did not move. What can I do? You tell me. The Speaker has observed so. It is also on the record. What can I do? You should have raised it at that time, not now

SHRI ANIL BASU: No, I moved it.

MR. DEPUTY SPEAKER: The proceedings are there. What can I do?

SHRI ANIL BOSU Sir, you protect the right of the Members.

MR. DEPUTY SPEAKER: At least, in the morning, you could have raised it. Already, the motion for consideration has been moved and approved by the House.

Nothing can be done now.

SHRI ANIL BASU: I have already moved my motion. If it is not on record, it is not my fault. You protect the right of the Member.

SHRI MANIK SANYAL: I have already moved my motion. *(Interruptions)*

MR. DEPUTY SPEAKER: Today morning, you could have verified, whether it was moved or not.

Now, what can I do?

SHRI ANIL BASU: Yesterday, I moved my motion. How do you say this?

MR. DEPUTY SPEAKER: As a Member, you could have verified, whether you have moved it or not.

SHRI MANIK SANYAL: I moved it. *(Interruptions)*

MR. DEPUTY SPEAKER: The record is already there.

(Interruptions)

MR. DEPUTY SPEAKER: It is on record there. What can I do?

(Interruptions)

MR. DEPUTY SPEAKER: Now Shri Ayyapu Reddy will speak. Please be brief.

SHRI E. AYYAPU REDDY: My amendment is as follows:—

"Provided further that the proclamation issued under clause (1) on the 11th day of May, 1987 shall not in any event be in force after 11th day of May, 1989."

There is no nexus between Clause 2 and Clause 3. The intention was to see that President's rule which comes to an end by 11th May, 1988 is extended because there is no possibility of holding elections before 11th May, 1988.

The Article under 366 (5) is as follows:—

[Sh. E. Ayyapu Reddy]

"(5) Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a Proclamation approved under clause (3) for any period beyond the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless—

- (a) a Proclamation of Emergency is in operation.
- (b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause (3) during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly."

Under Clause (3), it is the intention of the Government to proclaim emergency. Then there is no necessity to have any proviso at all to Clause (5) of Section 356 because it is very easy to comply with the provisions of Sub-clause (5) of Article 356.

In any event, my amendment requires that the proclamation on the president's rule shall not go beyond 11th May, 1989 that is, within a year from 11th May it will be necessary for Government to restore democracy inside Punjab.

A duly elected Government was removed by the imposition of President's rule. Having deprived them of their constitutional rights, the people of Punjab could not further exercise their right to get a Government of their choice elected and instituted for more than two years. It will be totally unjustified if you cannot restore democracy within a year or before 11th May, 1989. Probably it will not

be possible for you to restore democracy in Punjab. Therefore, there is the period of limitation. The deadline must be 11th May, 1989.

MR. DEPUTY SPEAKER: Now the hon. Minister of Home Affairs S. Buta Singh will reply.

S. BUTA SINGH: All these points were covered by my colleague Shri P. Chidambaram. It is precisely for that reason that we have come before this august House because there is no possibility to have a democratically elected Government after 11th May, which is the stipulated period here. Therefore, we have come to the conclusion on the recommendation of the Governor that the President's rule in Punjab has to be extended. It is to enable that thing that we have come through this Bill before this august House. This point was very ably met by Shri Chidambaram-ji also. There is no substance now in this amendment. The hon. Member has made the same old speech which he made during the course of his speech.

MR. DEPUTY SPEAKER: I shall now put the amendments moved by Dr. S. Jagathrakshakan and Shri E. Ayyapu Reddy to the vote of the House.

The question is:

Page 1, line 7—

for "in this clause" substitute "in sub-clause (b) of this clause:"(7)

Page 1—

after line 9, insert—

"Provided further that the Proclamation issued under clause (1) on the 11th day of May, 1987 shall not in any event be in force

after 11th day of May, 1989."
(18)

The Lok Sabha divided:

Division No. 2

18.52 hrs.

AYES

Achana, Shri Basudeb

Athwal, Shri Charanjit Singh

Barman, Shri Palas

Basu, Shri Anil

Bhandari, Shrimati D.K.

Biswas, Shri Ajoy

Chatterjee, Shri Somnath

Choubey, Shri Narayan

Chowdhary, Shri Saifuddin

Dandavate, Prof. Madhu

Das, Shri R.P.

Datta, Shri Amal

Deo, Shri V. Kishore Chandra S.

Goswami, Shri Dinesh

Hannan Mollah, Shri

Hanada, Shri Matilal

Iyer, Shri V.S. Krishna

Jagathrakshakan, Dr. S.

Kurup, Shri Suresh

Mahata, Shri Chitta

Malik, Shri Purna Chandra

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Mukherjee, Shrimati Geeta

Natarajan, Shri K.R.

Patel, Dr. A.K.

Pathak, Shri Ananda

Patil, Shri D.B.

Penchalliah, Shri P.

Raju, Shri Vijaya Kumar

Ram Bahadur Singh, Shri

Ramashray Prasad Singh, Shri

Ramoowalia, Shri Bahwant Singh

Rao, Shri A.J.V.B. Maheswara

Rao, Dr. G. Vijaya Rama

Rao, Shri Srihari

Rao, Shri V. Sobhanadreeswara

**Rathod, Shri Uttam

Reddi, Shri C. Madhav

Reddy, Shri B.N.

Reddy, Shri Bezawada Papi

Reddy, Shri C. Janga

Reddy, Shri D.N.

Reddy, Shri E. Ayyapu

Ahmed, Shrimati Abida

Reddy, Shri P. Manik

Akhtar Hasan, Shri

Reddy, Shri S. Jaipal

Alkha Ram, Shri

Riyan, Shri Baju Ban

Anand Singh, Shri

Roy, Dr. Sudhir

Ansari, Shri Abdul Hannan

Roypradhan, Shri Amar

Ansari, Shri Z.R.

Saha, Shri Ajit Kumar

Antony, Shri P.A.

Saha, Shri Gadadhar

Arunachalam, Shri M.

Saikia, Shri M.R.

Athithan, Shri R. Dhanuskodi

Samat, Dr. Datta

Awasthi, Shri Jagdish

Sanyal, Shri Manik

Azad, Shri Ghulam Nabi

Shaminder Singh, Shri

Baghel, Shri Pratapsinh

Singh, Shri Ram Narain

Bairagi, Shri Balkavi

Somu, Shri N.V.N.

Bairwa, Shri Banwan Lal

Swamy, Shri D. Narayana

Baitha, Shri D.L.

Thomas, Shri Thampan

Bajpai, Dr. Rajendra Kumar

Tiraky, Shri Piyus

Bala Goud, Shri T.

Tulsiram, Shri V.

Balaraman, Shri L.

Walia, Shri Charanjit Singh

Bali, Shrimati Vyjayanthimala

Yadav, Shri Vijay Kumar

Barrow, Shri A.E.T.

Zainal Abedin, Shri

Basavarajeswan, Shrimati

NOES

Basavaraju, Shri G.S.

Abbasi, Shri K.J.

Basheer, Shri T.

Abdul Ghaloor, Shri

Bhagat, Shri B.R.

Agarwal, Shri Jai Prakash

Bhagat, Shri H.K.L.

Bhakta, Shri Manoranjan	Choudhary, Shri Jagannath
Bharat Singh, Shri	Dabhi, Shri Ajitsinh
Bhardwaj, Shri Parasram	Dalbir Singh, Shri
Bhatia, Shri R.L.	Dalwai, Shri Hussain
Bhoi, Dr. Krupasindhu	Damor, Shri Somjibhai
Bhosale, Shri Prataprao B.	Das, Shri Anadi Charan
Bhumij, Shri Haren	Das, Shri R.P.
Bhuria, Shri Dileep Singh	Das, Shri Sudarsan
Birbal, Shri	Das Munsi, Shri Priya Ranjan
Birendra Singh, Rao	Dennis, Shri N.
Birinder Singh, Shri	Deora, Shri Murti
Brahma Dutt, Shri	Dev, Shri Sontosh Mohan
Budania, Shri Narendra	Devi, Prof. Chandra Bhanu
Bundela, Shri Sujan Singh	Dhariwal, Shri Shanti
Buta Singh, S.	Dhillon, Dr. G.S.
Chandrakar, Shri Chandulal	Digal, Shri Radhakanta
Chandrashekharappa, Shri T.V.	Dighe, Shri Sharad
Chandresh Kumari, Shrimati	Digvijaya Singh, Shri
Charles, Shri A	Dikshit, Shrimati Sheila
Chaturvedi, Shrimati Vidyavati	Dinesh Singh, Shri
Chaudhary, Shri Manphool Singh	Dube, Shri Bhishma Deo
Chaudhry, Shri Kamal	Engti, Shri Biren Singh
Chavan, Shri Ashok Shankarrao	Faleiro, Shri Eduardo
Chidambaram, Shri P.	Gadgil, Shri V.N.
Choudhari, Shrimati Usha	Gadhvi, Shri B.K.

Gaekwad, Shri Ranjit Singh	Jain, Shri Virdhi Chander
Gaikwad, Shri Udaysingrao	Jangde, Shri Khelan Ram
Gamit, Shri C.D.	Jatav, Shri Kammodilal
Gandhi, Shri Rajiv	Jeevarathinam, Shri R.
Ganga Ram, Shri	Jena, Shri Chintamani
Gavit, Shri Manikrao Hodlya	Jitendra Prasada, Shri
Gehlot, Shri Ashok	Jitendra Singh, Shri
Gholap, Shri S.G.	Jujhar Singh, Shri
Ghorpade, Shri M.Y.	Kamal Nath, Shri
Ghosal, Shri Debi	Kamble, Shri Arvind Tulshiram
Ghosh, Shri Bimal Kanti	Kamson, Prof. Meijinlung
Ghosh, Shri Tarun Kanti	Kaul, Shrimati Sheila
Gohil, Shri G.B.	Kaushal, Shri Jagan Nath
Gomango, Shri Giridhar	Ken, Shri Lala Ram
Gounder, Shri A.S.	Keyur Bhushan Shri
Gowda, Shri H.N. Nanje	Khan, Shri Aslam Sher
Guha, Dr. Phulrenu	Khan, Shri Khurshid Alam
Gupta, Shri Janak Raj	Khan, Shri Mohd. Ayub
Gupta, Shrimati Prabhawati	Khatttri, Shri Nirmal
Halder, Prof. M.R.	Khirhar, Shri R.S.
Harpal Singh, Shri	Kinder Lal, Shri
Jadeja, Shri D.P.	Krishna Singh, Shri
Jaffar Sharief, Shri C.K.	Kshirsagar, Shrimati Kesharbai
Jagannath Prasad, Shri	Kuchan, Shri Gangadhar S.
Jain, Shri Nihal Singh	Kujur, Shri Maurice

Kumaramangalam, Shri P.R.

Mohanty, Shri Brajamohan

Kunjambu, Shri

More, Prof. Ramkrishna

Kuppuswamy, Shri C.K.

Mukhopadhyay, Shri Ananda Gopal

Kurien, Prof. P.J.

Mundackal, Shri George Joseph

Lachchhi Ram, Shri

Murmu, Shri Sidha Lal

Law, Shri Asutosh

Murthy, Shri M. V. Chandrashekara

Lowang, Shri Wangpha

Mushran, Shri Ajay

Madhuree Singh, Shrimati

Muttemwar, Shri Vilas

Mahabir Prasad, Shri

Naik, Shri Shantaram

Mahendra Singh, Shri

Naikar, Shri D.K.

Makwana, Shri Narsinh

Namgyal, Shri P.

Malik, Shri Dharampal Singh

Neekhara, Shri Rameshwar

Mallick, Shri Lakshman

Negi, Shri Chandra Mohan Singh

Malviya, Shri Bapulal

Netam, Shri Arvind

Mane, Shri Murlidhar

Odedra, Shri Bharat Kumar

Manorama Singh, Shrimati

Odeyar, Shri Channaiah

Manvendra Singh, Shri

Oraon, Shrimati Sumati

Meena, Shri Ram Kumar

Pakeer Mohamed, Shri E.S.M

Mehta, Shri Haroobhai

Pandey, Shri Damodar

Meira Kumar, Shrimati

Pandey, Shri Madan

Mirdha, Shri Ram Niwas

Pandey, Shri Manoj

Mishra, Shri G.S.

Panigrahi, Shri Chintamani

Mishra, Shri Ram Nagina

Panigrahi, Shri Sriballav

Mishra, Shri Shripati

Panja, Shri A.K.

Mishra, Shri Umakant

Pant, Shri K.C.

Parashar, Prof. Narain Chand	Pradhani, Shri K.
Pardhi, Shri Keshaoarao	Prakash Chandra, Shri
Raswan, Shri Ram Bhagat	Puran Chandra, Shri
Patel, Shri Ahmed M.	Purohit, Shri Banwari Lal
Patel, Shri C.D.	Purushothaman, Shri Vakkom
Patel, Shri G.I.	Pushpa Devi, Kumari
Patel, Shri Mohanbhai	Qureshi, Shri Aziz
Patel, Shri Ram Pujan	Raghuraj Singh, Chaudhary
Patel, Shri U.H.	Rai, Shri I. Rama
Pathak, Shri Chandra Kishore	Rai, Shri Raj Kumar
Patil, Shri Balasaheb Vikhe	Rai, Shri Ramdeo
Patil, Shri H.B.	Raj Karan singh, Shri
Patil, Shri Prakash V.	Rejeshwaran, Dr. V.
Patil, Shri Shivraj V.	Rajhans, Dr. G.S.
Patil, Shri Uttamrao	Ram, Shri Ram Ratan
Patil, Shri Veerendra	Ram, Shri Ramswaroop
Patil, Shri Vijay N.	Ram Awadh Prasad, Shri
Patnaik, Shrimati Jayanti	Ram Dhan, Shri
Pattnaik, Shri Jagannath	Ram Prakash, Ch.
Peruman, Dr. P. Vallal	Ram Samujhawan, Shri
Pilot, Shri Rajesh	Ram Singh Shri
Poojary, Shri Janardhana	Ramachandran, Shri Mullappally
Potdukhe, Shri Shantaram	Rampal Singh, Shri
Prabhu, Shri R.	Rana Vir Singh, Shri
Pradhan, Shri K.N.	Ranga, Prof. N.G.

Ranganath, Shri K.H.

Shah, Shri Anoopchand

Rao, Shri J. Chokka

Shahi, Shri Laliteshwar

Rao, Shri J. Vengala

Shailesh, Dr. B.L.

Rao, Shri K.S.

Shaktawat, Prof. Nirmala Kumari

Rao, Shri P.V. Narasimha

Shankaranand, Shri B.

Rao, Shri V. Krishna

Shanmugam, Shri P.

Rath, Shri Somnath

Shanti Devi, Shrimati

Rathawa, Shri Amarsinh

Sharma, Shri Chiranji Lal

Raut, Shri Bhola

Sharma, Shri Nand Kishore

Ravani, Shri Navin

Sharma, Shri Nawal Kishore

Rawat, Shri Harish

Sharma, Shri Pratap Bhanu

Rawat, Shri Kamla Prasad

Shastri, Shri Hari Krishna

Rawat, Shri Prabhu Lal

Shervani, Shri Saleem I.

Sahi, Shrimati Krishna

Shingda, Shri D.B.

Sahu, Shri Shiv Prasad

Shivendra Bahadur Singh, Shri

Sakargaym, Shri Kalicharan

Siddiq, Shri Hafiz Mohd.

Salahuddin, Shri

Sidnal, Shri S.B.

Sankata Prasad, Dr.

Singaravadivel, Shri S.

Satyendra Chandra, Shri

Singh, Shri Chandra Pratap Narain

Sathe, Shri Vasant

Singh, Shri D.G.

Sayeed, Shri P.M.

Singh, Shri K.N.

Scindia, Shri Madhavrao

Singh, Shri Kamla Prasad

Sen, Shri Bholanath

Singh, Shri Krishna Pratap

Seth, Shri Ananta Prasad

Singh, Shri Lal Vijay Pratap

Sethi, Shri P.C.

Singh, Shri N. Tombi

Singh, Shri S.D.	Tigga, Shri Simon
Singh, Shri Santosh Kumar	Tilakdhari Singh, Shri
Singh Deo, Shri K.P.	Tripathi, Dr. Chandra Shekhar
Sinha, Shrimati Kishori	Tyagi, Shri Dharamvir Singh
Sinha, Shri Satyendra Narayan	Vairale, Shri Madhusudan
Solanki, Shri Kalyan Singh	Van, Shri Deep Narain
Solanki, Shri Natavarsinh	Vanakar, Shri Punam Chand
Soren, Shri Harihar	Mithabhai
Sparrow, Shri R.S.	Venkatesan, Shri P.R.S.
Sreenivasa Prasad, Shri V.	Verma, Dr. C.S.
Sukh Ram, Shri	Verma, Shrimati Usha
Sukhbans Kaur, Shrimati	Vijayaraghavan, Shri V.S.
Sultanpuri, Shri K.D.	Vyas, Shri Girdhari Lal
Suman, Shri R.P.	Wasnik, Shri Mukul
Sundararaj, Shri N.	Yadav, Shri Kailash
Surendra Pal Singh, Shri	Yadav, Shri Mahabir Prasad
Suryawanshi, Shri Narsing	Yadav, Shri R.N.
Swami Prasad Singh, Shri	Yadav, Shri Ram Singh
Swell, Shri G.G.	Yadav, Shri Shyam Lal
Tewary, Prof. K.K.	Yadava, Shri Bal Ram Singh
Thakkar, Shrimati Usha	Yadava, Shri D.P.
Thara Devi, Kumari D.K.	Yazdani, Dr. Golam
Thomas, Prof. K.V.	Yogesh, Shri Yogeshwar Prasad
Thorat, Shri Bhausaheb	
Thungon, Shri P.K.	Zainul Basher, Shri

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is:

Ayes: 064

Noes: 326

The motion was negatived.

MR DEPUTY SPEAKER: Now we take up Clause 2 for voting. Already lobbies are cleared. We will wait for the machine to clear. Now I put Clause 2 to the vote of the House. The question:

"That Clause 2 stand part of the Bill."

The Lok Sabha divided.

Division No. 3

18.55 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Barrow, Shri A.E.T.

Basavaraju, Shri G.S.

Basheer, Shri T.

Bhagat, Shri B.R.

Bhagat, Shri H.K.L.

Bhakta, Shri Manoranjan

Bharat Singh, Shri

* The following Members also recorded their votes :

AYES: Shri B.B. Ramaiah, Dr. T. Kalpana Devi, Shri Mohd. Mahfooz Ali Khan, Shri G. Bhoopathy and Shri C. Sambu.

NOES: Shri Kr. Narayan, Shri R.S. Mane, Shri Bhanu Pratap Singh, Shri Ashakran Sankhwar, Shri Aziz Sait, Shrimati Sunderwati Nawal Prabhakar, Shri Imati Usa Rani Tomar, Shri Vishnu Modi, Shri Vir Sen, Shri Ram Pyare Panika, Shri Satyanarayan Panwar, Shri Uttam Rathod, Shrimati M. Chandrasekhar, Shri Nityanand Mishra, Shri Tapeswar Singh and Shri Mankuram Sodi.

Bhardwaj, Shri Parasram	Dabhi, Shri Ajitsinh
Bhatia, Shri R.L.	Dalbir Singh, Shri
Bhoi, Dr. Krupasindhu	Dalwai, Shri Hussain
Bhosale, Shri Prataprao B.	Damor, Shri Somjibhai
Bhumij, Shri Haren	Das, Shri Anadi Charan
Bhuria, Shri Dileep Singh	Das, Shri R.P.
Birbal, Shri	Das, Shri Sudarsan
Birendra Singh, Rao	Das Munsi, Shri Priya Ranjan
Birinder Singh, Shri	Dennis, Shri N.
Brahma Dutt, Shri	Deora, Shri Murlidhar
Budania, Shri Narendra	Dev, Shri Sontosh Mohan
Bundela, Shri Sujan Singh	Devi, Prof. Chandra Bhanu
Buta Singh, S.	Dhariwal, Shri Shanti
Chandrakar, Shri Chandulal	Dhillon, Dr. G.S.
Chandrashekharaiah, Shri T.V.	Digal, Shri Radhakanta
Chandresh Kumari, Shrimati	Dighe, Shri Sharad
Charles, Shri A.	Digvijaya Singh, Shri
Chaturvedi, Shrimati Vidyavati	Dikshit, Shrimati Sheila
Chaudhary, Shri Manphool Singh	Dinesh Singh, Shri
Chaudhry, Shri Kamal	Dube, Shri Bhishma Deo
Chavan, Shri Ashok Shankarrao	Engti, Shri Biren Singh
Chidambaram, Shri P.	Faleiro, Shri Eduardo
Choudhari, Shrimati Usha	Gadgil, Shri V.N.
Choudhary, Shri Jagannath	Gadhvi, Shri B.K.
Choudhary, Shri Nandlal	Gaekwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao

Jagannath Prasad, Shri

Gamit, Shri C.D.

Jain, Shri Nihal Singh

Gandhi, Shri Rajiv

Jain, Shri Viridhi Chander

Ganga Ram, Shri

Jangde, Shri Khelan Ram

Gavit, Shri Manikrao Hodlya

Jatav, Shri Kammodilal

Gehlot, Shri Ashok

Jeevarathinam, Shri R.

Gholap, Shri S.G.

Jena, Shri Chintamani

Ghorpade, Shri M.Y.

Jitendra Prasada, Shri

Ghosai, Shri Debi

Jitendra Singh, Shri

Ghosh, Shri Bimal Kanti

Kamble, Shri Arvind Tulshiram

Ghosh, Shri Tarun Kanti

Kamson, Prof. Meijinlung

Gohil, Shri G.B.

Kaul, Shrimati Sheila

Gomango, Shri Giridhar

Ken, Shri Lala Ram

Gounder, Shri A.S.

Keyur Bhushan Shri

Gowda, Shri H.N. Nanje

Khan, Shri Aslam Sher

Guha, Dr. Phulrenu

Khan, Shri Khurshid Alam

Gupta, Shri Janak Raj

Khan, Shri Mohd. Ayub

Gupta, Shrimati Prabhawati

**Khan Shri Mohd. Mohfooz Ali

Halder, Prof. M.R.

Khatti, Shri Nirmal

Harpal Singh, Shri

Khirhar, Shri R.S.

**Iyer, Shri V.S. Krishna

Kinder Lal, Shri

Jadeja, Shri D.P.

Krishna Singh, Shri

Jaffar Sharief, Shri C.K.

Kshirsagar, Shrimati Kesharbai

 **Wrongly voted for AYES.

Kuchan, Shri Gangadhar S.

Modi, Shri Vishnu

Kujur, Shri Maurice

Mohanty, Shri Brajamohan

Kumaramangalam, Shri P.R.

More, Prof. Ramkrishna

Kuppuswamy, Shri C.K.

Mukhopadhyay, Shri Ananda Gopal

Kurien, Prof. F.J.

Mundackal, Shri George Joseph

Law, Shri Asutosh

Murmu, Shri Sidha Lal

Madhuree Singh, Shrimati

Murthy, Shri M. V. Chandrashekara

Mahabir Prasad, Shri

Mushran, Shri Ajay

Mahendra Singh, Shri

Mutterwar, Shri Vilas

Makwana, Shri Narsinh

Naik, Shri Shantaram

Malik, Shri Dharampal Singh

Naikar, Shri D.K.

Mallick, Shri Lakshman

Namgyal, Shri P.

Malviya, Shri Bapulal

Nawal Prabhakar, Shrimati Sunderwati

Mane, Shri Murlidhar

Neekhara, Shri Rameshwar

Mane, Shri R.S.

Negi, Shri Chandra Mchan Singh

Manorama Singh, Shrimati

Netam, Shri Arvind

Manvendra Singh, Shri

Odedra, Shri Bharat Kumar

Meena, Shri Ram Kumar

Oraon, Shrimati Sumati

Meira Kumar, Shrimati

Pakeer Mohamed, Shri E.S.M.

Mirdha, Shri Ram Niwas

Pandey, Shri Madan

Mishra, Shri G.S.

Pandey, Shri Manoj

Mishra, Shri Ram Nagina

Panigrahi, Shri Chintamani

Mishra, Shri Shripati

Panigrahi, Shri Sriballav

Mishra, Shri Umakant

Panika, Shri Ram Pyare

Misra, Shri Nityananda

Pant, Shri K.C.

Panwar, Shri Satyanarayan	Potdukhe, Shri Shantaram
Parashar, Prof. Narain Chand	Prabhu, Shri R.
Pardhi, Shri Keshaoarao	Pradhan, Shri K.N.
Paswan, Shri Ram Bhagat	Pradhani, Shri K.
Patel, Shri Ahmed M.	Puran Chandra, Shri
Patel, Shri C.D.	Purohit, Shri Banwari Lal
Patel, Shri G.I.	Purushothaman, Shri Vakkom
Patel, Shri Mohanbhai	Pushpa Devi, Kumari
Patel, Shri Ram Pujan	Qureshi, Shri Aziz
Patel, Shri U.H.	Rai, Shri I. Rama
Pathak, Shri Chandra Kishore	Rai, Shri Raj Kumar
Patil, Shri Balasaheb Vikhe	Rai, Shri Ramdeo
Patil, Shri H.B.	Raj Karan Singh, Shri
Patil, Shri Prakash V.	Rejeshwaran, Dr. V.
Patil, Shri Shivraj V.	Rajhans, Dr. G.S.
Patil, Shri Uttamrao	Ram, Shri Ram Ratan
Patil, Shri Veerendra	Ram, Shri Ramswaroop
Patil, Shri Vijay N.	Ram Awadh Prasad, Shri
Patnaik, Shrimati Jayanti	Ram Dhan, Shri
Pattnaik, Shri Jagannath	Ram Prakash, Ch.
Peruman, Dr. P. Vallal	Ram Singh Shri
Pilot, Shri Rajesh	Ramachandran, Shri Mullappally
Poojary, Shri Janardhana	**Ramashray Prasad Singh, Shri

****Wrongly voted for AYES.**

Rampal Singh, Shri	Sathe, Shri Vasant
Rana Vir Singh, Shri	Sayeed, Shri P.M.
Ranga, Prof. N.G.	Scindia, Shri Madhavrao
Ranganath, Shri K.H.	Sen, Shri Bholanath
Rao, Shri J. Chokka	Sethi, Shri Ananta Prasad
Rao, Shri J. Vengala	Sethi, Shri P.C.
Rao, Shri K.S.	Shah, Shri Anoopchand
Rao, Shri P.V. Narasimha	Shailesh, Dr. B.L.
Rao, Shri V. Krishna	Shaktawat, F. of. Nirmala Kumari
Rath, Shri Somnath	Shankaranand, Shri B.
Rathawa, Shri Amarsingh	Shanmugam, Shri P.
Rathod, Shri Uttam	Shanti Devi, Shrimati
Raut, Shri Bhola	Sharma, Shri Chiranjil Lal
Ravani, Shri Navin	Sharma, Shri Nand Kishore
Rawat, Shri Harish	Sharma, Shri Nawal Kishore
Rawat, Shri Kamla Prasad	Sharma, Shri Pratap Bhanu
Sahu, Shri Shiv Prasad	Shastri, Shri Hari Krishna
Sait, Shri Azeez	Shervani, Shri Saleem I.
Sakargaym, Shri Kalicharan	Shingda, Shri D.B.
Salahuddin, Shri	Shivendra Bahadur Singh, Shri
**Sambu, Shri C.	Siddiq, Shri Haliz Mohd.
Sankhwar, Shri Ashkaran	Singaravadiwel, Shri S.
Sankata Prasad, Dr.	Singh, Shri Chandra Pratap Narain

**Wrongly voted for AYES.

Singh, Shri D.G.

Tewary, Prof. K.K.

Singh, Shri K.N.

Thakkar, Shrimati Usha

Singh, Shri Kamla Prasad

Thara Devi, Kumari D.K.

Singh, Shri Krishna Pratap

Thomas, Prof. K.V.

Singh, Shri Lal Vijay Pratap

Thorat, Shri Bhausaheb

Singh, Shri N. Tombi

Thungon, Shri P.K.

Singh, Shri Santosh Kumar

Tigga, Shri Simon

Sinha, Shri Satyendra Narayan

Tilakdhari Singh, Shri

Sodi, Shri Mankuram

Tomar, Shrimati Usha Rani

Solanki, Shri Kalyan Singh

Tripathi, Dr. Chandra Shukhar

Soren, Shri Harihar

Tyagi, Shri Dharamvir Singh

Sparrow, Shri R.S.

Vairale, Shri Madhusudan

Sreenivasa Prasad, Shri V.

Vanakar, Shri Punam Chand Mithabhai

Sukh Ram, Shri

Venkatesan, Shri P.R.S.

Sukhbuns Kaur, Shrimati

Verma, Dr. C.S.

Sultanpuri, Shri K.D.

Verma, Shrimati Usha

Suman, Shri R.P.

Vir Sen, Shri

Sundararaj, Shri N.

Vyas, Shri Girdhari Lal

Surendra Pal Singh, Shri

Wasnik, Shri Mukul

Suryawanshi, Shri Narsing

Yadav, Shri Kailash

Swami Prasad Singh, Shri

Yadav, Shri Mahabir Prasad

**Swami, Shri D. Narayana

Yadav, Shri R.N.

Swell, Shri G.G.

Yadav, Shri Ram Singh

 **Wrongly voted for AYES.

Yadav, Shri Shyam Lal

Yadava, Shri Bal Ram Singh

Yadava, Shri D.P.

Yazdani, Dr. Golam

Zainul Basher, Shri

NOES

Acharia, Shri Basudeb

Barman, Shri Palas

Basu, Shri Anil

Bhoopathy, Shri G.

Biswas, Shri Ajoy

Chatterjee, Shri Somnath

Choubey, Shri Narayan

Chowdhary, Shri Saifuddin

Dandavate, Prof. Madhu

Das, Shri R.P.

Datta, Shri Amal

Deo, Shri V. Kishore Chandra S.

Gill, Shri M.S.

Goswami, Shri Dinesh

Hansda, Shri Matilal

Iyer, Shri V.S. Krishna

Jagathrakshakan, Dr. S.

Kaipana Devi, Dr. T.

Kurup, Shri Suresh

Mahata, Shri Chitta

Malik, Shri Purna Chandra

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Mukherjee, Shrimati Geeta

Natarajan, Shri K.R.

Penchalliah, Shri P.

Raju, Shri Vijaya Kumar

Ram Samujhawam, Shri

Ramoowalia, Shri Balwant Singh

Rao, Shri A.J.V.B. Maheswara

Rao, Dr. G. Vijaya Rama

Rao, Shri Srihari

Rao, Shri V. Sobhanadreeswara

Reddi, Shri C. Madhav

Reddy, Shri Bezawada Papi

Reddy, Shri C. Janga

Reddy, Shri E. Ayyapu

Reddy, Shri P. Manik

Reddy, Shri S. Jaipal

Roy, Dr. Sudhir

Roypradhan, Shri Amar

Saha, Shri Gadadhar

Samant, Dr. Datta

Sanyal, Shri Manik

Shaminder Singh, Shri

Clause 3

*Singh, Shri Ram Narain

(Insertion of new article 359 A)

Somu, Shri N.V.N.

MR. DEPUTY SPEAKER: We now take up Clause 3.

Thomas, Shri Thampan

SHRI THAMPAN THOMAS (Mavelikara): I beg to move:

Tiraky, Shri Piyus

Tulsiram, Shri V.

Page 2, line 5—

*Vijayaraghavan, Shri V.S.

after "rebellion" insert—

Yadav, Shri Vijoy Kumar

"or cessation of any part of India" (2)

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is:

Page 2, —

Ayes: 317

Omit lines 6 to 9 (3)

Noes: 052

Page 2, lines 16 to 18,—

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

for, "or that the integrity of India is threatened by internal disturbance in the whole or any part of the territory of Punjab,"

substitute "or threatened cessation" shall be inserted. (4)

The motion was adopted

Page 2, —

Clause 2 was added to the Bill.

omit lines 19 to 28. (5)

*Wrongly voted for NOES.

** The following Members also recorded their votes:

AYES: Shrimati Krishna Sahi, Shri K.R. Narayanan, Shri Laliteshwar Shahi, Shrimati M. Chandrasekhar, Shri Yogeshwar Prasad Yogesh, Shri S.D. Singh, Shri Damodar Pandey, Shri S.B. Simal, Shri T. Bale Goud, Ch. Lachchhi Ram, Shri Harobhai Mehta, Shri Prabhu Lal Rawat, Shri Wangpha Lowang, Shri Jagan Nath Kaushal, Shri Natvarsinh Solanki, Shri Deep Narain Van, Shri Prakash Chandra, Shrimati Basavarjeswri, Shri Channaiah Odeyar, Chaoudhari Raghuraj Singh, Shri V.S. Vijayaraghavan, Shri Bhanu Pratap Singh, Shri A.K. Panja, Shri Jujhar Singh, Shri Kamal Nath, Shri Tapeswar Singh, Shri K. Kunjambu, Shrimati Kishor Sinha.

NOES: Shri Charanjit Singh Walia, Shrimati D.K. Bhandari, Shri Charanjit Singh Athwal, Shri Hannan Mollah, Shri Ajit Kumar Saha, Shri Ananda Pathak, Shri B.B. Ramarath, Shri D.B. Patil, Shri Ram Bahadur Singh, Shri M.R. Saikia, Dr. A.K. Patel, Shri D. Narayana Swamy, Shri V.S. Krishna Iyer, Shri Mohd. Mahfooz Ali Khan, Shri C. Sambu and Shri Ramashray Prasad Singh.

DR. S. JAGATHRAKSHAKAN: I beg to move:

whole of Punjab or any part of the territory thereof." (10)

Page 2, lines 33 and 34,—

for "the expiry of a period of two years from the commencement of this Act"

substitute "the expiry of the Proclamation issued under clause (1) of article 356 on the 11th day of May, 1987 with respect to the State of Punjab." (8)

SHRI HANNAN MOLLAH (Uluberia): I beg to move:

Page 2—

after line 23, insert—

(aa) In article 353, after the existing provision the following proviso shall be inserted, namely:

"Provided further that this article shall not apply during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act 1988, in respect of the whole of Punjab or any part of the territory thereof."

(aaa) In article 354, after clause (1) the following proviso shall be added, namely:—

"Provided that this article shall not apply during the operation of the proclamation of Emergency that may be declared, after the commencement of the Constitution (Fifty-Ninth Amendment) Act, 1988, in respect of the

Page 2, line 28,—

add at the end—

"and after clause (1), after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that no such law shall be made nor any such executive action shall be taken, during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act, 1988, in respect of the whole of Punjab or any part of the territory thereof, for any other State or any Union territory." (11)

Page 2, line 31,—

add at the end—

"and after clause (3), the following clause shall be inserted, namely:—

"(4) No order or law shall be made nor any executive action shall be taken, during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act, 1988 in respect of the whole of Punjab or any part of the territory thereof, for any other State or any Union territory." (12)

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, I beg to move:

Page 2—

after line 23, insert—

(aa) In article 353 of the Constitution, after the existing proviso the following proviso shall be inserted, namely:—

"Provided further that this article shall not apply during the operation of the Proclamation of Emergency that may be declared after the enactment of the Constitution (Fifty-Ninth Amendment) Bill, 1988 by Parliament, in relation to the State of Punjab or any part of the territory thereof."

(aaa) In article 354 of the Constitution after clause (1) the following proviso shall be inserted, namely:— "Provided that this article shall not apply during the operation of the proclamation of Emergency that may be declared after the enactment of the Constitution (Fifty-Ninth Amendment) Bill, 1988 by Parliament, in relation to the State of Punjab or any part of the territory, thereof" (5)

Page 2, line 28—

add at the end—

'and after clause (1), after the existing proviso, the following proviso shall be inserted namely:—

"Provided further that no such law shall be made nor any such executive action shall be taken, during the operation of the Proclamation of Emergency that may be declared after and pursuant to the enactment of the

Constitution (Fifth-Ninth Amendment) Bill, 1988 by Parliament, in relation to any State other than the State of Punjab or any Union territory." (16)

Page 2, line 31—

add at the end—

'and after clause (3), the following clause shall be inserted, namely:—

"(4) No order or law shall be made nor any executive action shall be taken, during the operation of the Proclamation of Emergency that may be declared after and pursuant to the enactment of the Constitution (Fifty-Ninth Amendment) Bill, 1988 by Parliament, in relation to any State other than the State of Punjab or Union territory." (17)

SHRI E. AYYAPU REDDY: I beg to move:

Page 2—

after line 1, insert—

"Provided that no such declaration or Proclamation shall be made unless the President has consulted and obtained the opinion of all the political parties which had their elected representatives in the Legislative Assembly of Punjab prior to its dissolution." (19)

Page 2, line 31—

for "article 20" substitute—

"article 19" (20)

[Sh. E. Ayyapu Reddy]

Page 2, line 33—

for "two years" substitute "one year"
(21)

SHRI THAMPAN THOMAS: My amendment is a total negation of the amendment proposed by the Government. The only one word which I can agree is 'threatened secession' in any part of the country. It should be amended as 'emergency can be proclaimed only in the event of a threatened secession'. Internal disturbance is a term which is very very convenient to use for any purpose. The terminology 'internal disturbance' used in the amendment proposed by the Government can be used for political purposes. It is very clear from the speeches of the Hon. Minister Sardar Buta Singh as well as Mr. Chidambaram that the amendment now brought by the Government is politically motivated fully.

If Sardar Buta Singh has the courage to accept the challenge and the promise made by the United Akali Dal that they will stand by the unity and the integrity of the country, he should withdraw this constitutional amendment to proclaim emergency. If the amendment is carried through, it will lose the federal character of our country.

I am a victim of emergency of 75. I know what had happened at that time. I was taken to a court where I was practising. Since the fundamental rights were suspended, none other than the Chief Justice and another prominent judge who later became a judge in the Supreme Court, declared that a person under the name Thampam Thomas is no more living under law as per the Government's contentions. I lost my mother and I had undergone 19 months' imprisonment. I pray that this should not happen to

anyone else in the country. I also pray now the last prayer of Jesus Christ when he was crucified. He prayed that 'forgive them, they don't know what sin they are committing'. The Members who support this Bill deserve that prayer. These people do not know that they are killing the democracy.

It seems as though Hitler is coming to India. Levathian in Lesotho also get power through emergency in 1965 in the same manner and in similar fashion by proclaiming emergency in a democratic situation. The story of Third Reich in Germany is also the same.

If it is happening today to Punjab, tomorrow it can happen to other parts of the country. Tomorrow what will happen is that a dictatorship will usurp the power of the country. This Constitution Amendment Bill is only politically motivated. The only intention is to get hold of the power and continue in power as it is not possible in the present circumstances. In the name of internal disturbance emergency was proclaimed in 1975; but a true dictatorship came into being. Once again that should not be repeated.

Therefore, I press for my amendment.

DR. S. JAGATHRAKSHAKAN (Chingleput): Hon. Dy. Speaker, Sir, my amendment seeks to substitute the words "the expiry of a period of two years from the commencement of this Act" occurring in clause 3(2) of the Bill by the words "the expiry of the Proclamation issued under clause (1) of article 356 on the 11th day of May, 1987 with respect to the State of Punjab". I feel it would be logical to keep the special provisions regarding emergency in Punjab, as sought to be inserted by clause 3(1) of this

Bill, in the Constitution only as long as the Proclamation under article 356 is in operation in Punjab. Conditions may become congenial even before 2 years for return of a democratically elected Government in the State. So instead of a rigid time frame of 2 years, it would be better to link the operation of the emergency provisions in Punjab with the operation of the Proclamation under article 356 in that State. This would also dispel doubts in the minds of the people. I, therefore, press for my amendment.

19.00 hrs.

SHRI HANNAN MOLLAH: I have four amendments in this clause. First I would like to insert one more proviso after Clause 3 (ii). It is against this conspiracy to erode and destroy the federal character of our Constitution. In the history of our Constitution and in the debates of the Constituent Assembly a large number of people who had some democratic sense were apprehensive of the conspiracy that a day may come when the Centre may usurp the rights of the States. So the rights of the States were protected and some safeguards are there but through emergency the Centre wants to take away those rights of the States and thus destroy the federal system. During emergency they can take the right of giving direction to the States. So I want to insert this proviso in this Clause 3 namely:

"Provided further that this article shall not apply during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act 1988, in respect of the whole of Punjab or any part of the territory thereof."

This should be inserted after Clause 3 (ii).
(Interruptions)

I want another sub-clause to be inserted in Clause 3 in the form of a proviso in article 354. It is regarding the distribution of revenues. Then I want to add one proviso after the clause proposed to amend article 358 where the suspension of article 19 is there. In the clause proposed amending article 359 there is a conspiracy against our fundamental rights. It is a conspiracy to destroy the basic structure of our Constitution. So I want this should be inserted to safeguard our fundamental rights. If it is done then even if the draconian laws are passed by this brute majority at least some safeguard will be provided through these amendments. So I appeal to the House to accept my amendments.

SHRI SOMNATH CHATTERJEE: Mr. Deputy Speaker, Sir, may I earnestly appeal to my friends on the other side? In a sense, we are fortunate that we have got the entire House today because it is a Constitution (Amendment) Bill. This is not a matter of just partisan interest. This is the matter relating to Constitution of India which is a permanent document, of course, amendable. (Interruptions)

I am also happy that the hon. Prime Minister is here. I would request him and I appeal to the conscience of all the hon. Members, don't treat what I am trying to submit, on a party basis. We are not saying that. (Interruptions) Please see that I am given two minutes.

PROF. MADHU DANDAVATE: (Rajapur) He wants two minutes as a right, but not as a mercy.

SHRI SOMNATH CHATTERJEE: It has been repeatedly said by the Government. Even today in the Lok Sabha it has been stated by two hon. Ministers, that their intention is only to restrict the amendment to Punjab or any part thereof. It is not intended

[Sh. Somnath Chatterjee
that it will have any operation anywhere also.
This is being repeated.

Mr. Chidambaram said, that it was not necessary but to allay all misgivings in the minds of the hon. Members in Rajya Sabha they brought forward that amendment. If you will see the Statement of Objects and Reasons also, which was given in Rajya Sabha, it has been said, it is for Punjab. I am reading from the Statement of Objects and Reasons;

"As the proposed amendments are only for the purpose of curbing the terrorist activities in the State of Punjab more effectively..."

Powers are being taken. Therefore, it is the policy of the Government that is only for tackling a particular situation that is now prevailing in Punjab.

If there are other provisions in the Constitution which can be taken recourse to so long as the present proclamation remains in respect of the State of Punjab or even a district of Punjab, should you keep these powers in your hands or you should try to allay the misgivings from the minds of the Members of the House and the people outside that you want to deal with this law to be passed only for Punjab and for nothing else. I wanted to make it clear that this will be restricted only during that period and no other provision which has wider application all over India much beyond the borders of Punjab, those States should not at all be affected. Now, what is the wrong I am asking, if I may ask myself and if I may put it to the hon. Members from the other side?

Kindly see Article 353. After all, it is Constitution of India, not a law that can be easily again rectified. (Interruptions) Try to get a copy of the book and try to follow; read once at least in your life. (Interruptions)

Kindly see Article 353. What it says? Is it flippancy that we are doing it? Is it on party basis we are doing it? (Interruptions) You cannot make me sit that easily.

" 353. While a Proclamation of Emergency is in operation, then—

(a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;..."

Therefore, there is a proclamation. You can issue executive directions to any State. Similarly, power of the Parliament to make law with regard to any matter has been mentioned. The proviso was added by 42nd Amendment to make the position clear:

"Provided that where a Proclamation of Emergency is in operation only in any part of the territory of India,—

(i) the executive power of the Union to give directions under clause (a), and

(ii) the power of Parliament to make laws under clause (b), shall also extend to any State other than a State in which or in any part of which the Proclamation of Emergency is in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India in which the Proclamation of Emergency is in operation."

Now, taking advantage of this Proclamation, it can be said that the situation in Assam or in West Bengal is endangered because of activities in Punjab, that some people from Punjab have gone there. Therefore, this power of issuing executive direction, this power of making laws will now be exercised by the Centre. That power is there. You are automatically getting that power. Therefore,

we want to make it clear, do you need this power? If you need this power, then it is inconsistent with your protestation, inconsistent with your very clear pronouncement and commitment that it will not apply. You have no intention to have any emergency powers regarding any State other than the State of Punjab. Kindly come to Article 354. You may kindly see, Sir, You may be affected. You don't know what will happen to Tamil Nadu. (*Interruptions*)

I am requesting them to please consider. You consider everything on partisan lines. Article 354 is regarding the distribution of financial powers between the Centre and States. I will read that article for you. It reads:

"The President may, while a Proclamation of Emergency is in operation, by order direct that all or any of the provisions of Articles 268 to 279 shall for such period, not extending in any case beyond the expiration of the financial year in which such Proclamation ceases to operate, as may be specified in the order, have effect subject to such exceptions or modifications as he thinks fit."

It can change, after the financial relations between the Centre and the State with regard to all the States in India. Why do you want this power, if your intention is genuine that this amendment is only for Punjab and to deal with the terrorist situation? Come to Article 358. I know Mr. Chidambaram referred to (*Interruptions*)

PROF. MADHU DANDAVATE: These observations will remain on record for posterity. (*Interruptions*)

MR. DEPUTY SPEAKER: Order please. Please listen.

PROF. MADHU DANDAVATE: Why don't you pull them up? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: I am sure, you are aware, the hon. Prime Minister is aware and most of the hon. Members on that side are aware that as soon as there is a declaration of the Proclamation of Emergency, Article 19 is automatically suspended. Now, once the amendment is made, if there is a declaration of emergency in Punjab for the reason of internal disturbances, automatically Article 19 is suspended. Nothing in Article 19 shall restrict the power of a State to make any law or take any executive action.

Now, Mr. Chidambaram knows it and he will bear me out that 42nd Amendment postulated and made provisions for the applicability of declaration of emergency with regard to part of a State or part of a territory of India. Once that is there, and this will be in accordance with the proviso—Mr. Sathe, now with your sojourn from trade unionism to the party and the Government, at least, I am sure, you will appreciate this that where such proclamation is in operation only in any part of the territory of India. (*Interruptions*)

MR. DEPUTY -SPEAKER: Please be brief.

SHRI SOMNATH CHATTERJEE: I am sure many of the hon. Members want to listen to me at least .. (*Interruptions*). I am reading the proviso which was brought in by the Forty-Second Amendment contemplating declaration of emergency in any part of the territory of India. This is what is contemplated. There have been repeated assertions that it is only for Punjab to meet the terrorist situation. Why do they want this power. The proviso says:

"Provided that where such Proclamation of Emergency is in operation only in any part of the territory of India, any such law may be made, or any successive action may be taken..."

[Sh. Somnath Chatterjee]

In respect of which area? In respect of area for which no declaration has been made. Further :

"... Under this Article in relation to or in any State or Union territory in which of in any part of which the Proclamation of Emergency is not in operation, if and in so far as the security of India or any part of the territory thereof is threatened by activities in or in relation to the part of the territory of India, in which the Proclamation of Emergency is in operation."

This is your Forty-second Amendment of the Constitution. I am posing this question before the Government; as also the Prime Minister who is here. The whole Cabinet is here. If you clearly wish to make it known to the people that you do not want to exercise any power, emergency power except for Punjab, why do you want to exercise powers under Article 358 with regard to other States? Why do you want to bring in Article 359 with regard to other States?

Sir, this matter should not be treated as of partisan interest. You want to take advantage of certain existing provisions of the Constitution and thereby enlarge the scope of this Amending Bill to bring in area outside the State of Punjab. I want to know this Government's stand. Do they wish to exercise powers under Articles 358, 359 and 354? And if they want to exercise such powers, why should they not make it clear?

My amendment makes it clear that Article 353 etc. proviso would not apply to this particular emergency that may be declared under the law..(Interruptions). This is the attitude of the ruling party. Yes, you have got a massive majority, there is no doubt about it. But so far as the Constitution is concerned, should you amend it in this casual and highhanded manner? Is it a matter just to be trifled with? You do not want to give

even a hearing. You had no consultations with the opposition, you have not taken the peoples' views. You do not want to listen to the opposition here. This is the way you want to pass the Constitution Amendment Bill. We are not to be cowed down..(Interruptions).

PROF. MADHU DANDAVATE : If such hecklers would have been in the Constituent Assembly, the Constitution would not have been framed at all... (Interruptions).

SHRI E. AYYAPU REDDY : Sir, I have moved my amendments to Clause 3 of the Bill. My first amendment is:

"Provided that no such declaration or Proclamation shall be made unless the President has consulted and obtained the opinion of all the political parties which had their elected representatives in the Legislative Assembly of Punjab prior to its dissolution".

There are two more amendments. The second amendment is:

for "article" 20 substitute—

"Article 19"

And the third is:

for two years substitute one year.

In the first amendment, I have merely stated that before the President declares or proclaims emergency, he must consult and obtain the opinion of all the political parties which had their elected representatives in the Legislative Assembly of Punjab prior to its dissolution.

Sir, this is only for the purpose of eliciting public opinion and getting the support of the people. Sir, turning a deaf ear to public opinion and not involving all the political parties which will be affected by the declaration

of emergency will not be in the interest of finding a solution to the problem in Punjab. It is quite essential that important political parties must be consulted by the President before he imposes an emergency because he has to find out the best strategy. He must find out as to what the reaction of the people of Punjab will be for the imposition of emergency. Let him have the benefit of taking the opinion of the elected representatives of all the parties before imposing emergency.

Regarding the other two amendments, I would submit that I may rather agree with the interpretation given by hon. Minister Shri Chidambaram in respect of Articles 358 and 359. He was trying to make a distinction between an emergency proclamation made on the basis of a threat to the security of India and also an emergency proclamation made on the basis of the integrity of India being threatened on account of internal disturbance. Articles 358 and 359 are amenable to this interpretation given by him and I agree with him to that extent.

Sir, in regard to articles 353 and 354, there is no such distinction. Whereas articles 358 and 359 clearly mention "Security of India being threatened", there is no such wording in Articles 353 and 354. Therefore, the plea of Shri Somnath Chatterjee will be valid to that extent.

Now I come to Articles 20 and 21. While retaining Article 20, you are asking Article 21 to be deleted. Article 20 is a very innocuous article, and it is only with reference to protection in respect of conviction for offences. Whereas, Article 21 is the most important article. It is the very soul of our Constitution... (Interruptions)

The paradox or the contradiction in retaining Article 20, while omitting Article 21 can best be illustrated by this example. While stripping a man off his shirt, you allow him to have his neck-tie! Article 20 is a very

innocuous section while Article 21 is very important. But you are depriving him of the benefit of Article 21, that is the right to life and liberty. Without Article 21, Article 20 which relates only to conviction of offences, etc., has no meaning. This anomaly should be removed.

My third amendment is to reduce the operative period of this Act from two years to one year. All my amendments may kindly be considered.

SHRI P. CHIDAMBARAM : Sir, I am grateful to Shri Somnath Chatterjee for highlighting one point that in a matter of this nature, he should be heard uninterrupted. I only request that he extends the same courtesy to me, that is, I am heard uninterrupted. Then I will try to explain the Government's stand on these articles.

SHRI SOMNATH CHATTERJEE: Can you yield for a second? I wish when I was speaking, you should have given that lecture to your Members.

SHRI P. CHIDAMBARAM: I wish Mr. Chatterjee when I spoke earlier you and Mr. Acharia had not interrupted.

Let me deal with the Amendments. The first Amendment is what Mr. Thampan Thomas has proposed. He says substitute the words "secessionist activities". When I spoke, I submitted that the expression "Integrity of India threatened by internal disturbance" is very different from the pre-fortyfourth Amendment concept of internal disturbance. "Integrity of India threatened by internal disturbance" can only apply to secessionist and separatist activities. We have in mind the very object which Mr. Thomas has got, the would integrity of India is threatened by internal disturbance will squarely cover the situation which he has envisaged.

As far as Articles 353, 358 and 359 are

[Sh. P. Chidambaram]

concerned, Mr. Chatterjee has raised valid objections. During the course of my intervention I tried to explain the scope of Articles 353, 358 and 359 to the best of my ability and to the best of our understanding. I am grateful to Mr. Ayyapu Reddy for accepting that my interpretation is perhaps the correct interpretation. In fact to Mr. Chatterjee's objections, Mr. Ayyapu Reddy has furnished the answer. Yet Mr. Ayyapu Reddy says, it will not apply to Article 353. Would you kindly bear with me and look at Articles 353, 358 and 359, all of them are part of the same scheme. All three provisos were introduced by the same forty-second Amendment. If you will kindly see 353 Proviso, 353 proviso and 359 Proviso to 1 (A), all of them were part of the Forty-second Amendment and all of them use the same language. If Mr. Ayyapu Reddy concedes that my interpretation of 358 proviso and 359 proviso are plausible interpretations, the same thing should apply to 353 also. (*Interruptions*).

No. Mr. Chatterjee, this is not fair. You should not have a running commentary. You just now promised.

SHRI SOMNATH CHATTERJEE: I am just talking to him.

SHRI P. CHIDAMBARAM : If you ask him, I can hear you. There is no way you can ask him without my hearing you.

PROF. MADHU DANDAVATE: He is more vocal himself.

SHRI P. CHIDAMBARAM : Let me submit again most humbly that these three provisos contemplate a situation where either laws can be made or executive action taken in a part of the territory of India not covered by a partial emergency when there is a partial emergency. I believe I am correct

there. Each one of them postulates an emergency where the security of India has been threatened. If the President of India is satisfied, if the Government are satisfied and advises the President and the President is satisfied that the security of India is being threatened, the proclamation of emergency will be under 352. Today under Article 359 (1A) which we are introducing for Punjab the ground is not security of India being threatened, but the integrity of India being threatened by internal disturbance. So, Proviso to 353, Proviso to 358 and Proviso to 359 (1A) will enable Government to make laws, will enable Government to take executive action in respect of other parts of the territory of India only if the partial emergency is declared on the ground that the security of India has been threatened. Since, we are not taking power now to declare an emergency in Punjab on the ground of security of India, the question of extending laws or extending executive action to other parts of the territory of India under Proviso to 353, proviso to 358 and Proviso to 359 (1A) does not arise.

SHRI SOMNATH CHATTERJEE: May I seek a clarification?

MR. DEPUTY SPEAKER: No. Already we have discussed it.

SHRI SOMNATH CHATTERJEE: I shall be too happy if my interpretation is wrong and if you are correct, Mr. Chidambaram, Then do I take it that the Government's stand is that any proclamation that may be made under the proposed law, the proviso to 353, proviso to 358 and proviso to 359 cannot be applicable in such a proclamation. Is it the case of the Government?

SHRI P. CHIDAMBARAM : Yes.

MR. DEPUTY SPEAKER: If the House agrees, I will now put all the amendments moved to Clause 3 to the vote of the House.

Amendments Nos. 2 to 5, 8, 10 to 12, 15 to 17 and 19 to 21 were put and negatived.

MR. DEPUTY SPEAKER: Before I put Clause 3 to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by division. Let the Lobbies be cleared.

I want also to announce that Lobbies will remain cleared, till the voting process in respect of the Bill is completed.

Now the Lobbies have been cleared.

The question is:

" The Clause 3 stand part of the Bill."

The Lok Sabha divided.

...

Division No. 4

19.36 hrs.

AYES

Abbasi, Shri K.J.

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Baghel, Shri Pratapsinh

Bairagi, Shri Balkavi

Bairwa, Shri Banwari Lal

Bajpai, Dr. Raiendra Kumari

Bala Goud, Shri T.

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Barrow, Shri A.E.T.

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basheer, Shri T.

Bhagat, Shri B.R.

Bhagat, Shri H.K.L.

Bhakta, Shri Manoranjan

Bharat Singh, Shri

Bhardwaj, Shri Parasram

Bhatia, Shri R.L.

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao B.

Bhumij, Shri Haren

Damor, Shri Somjibhai

Bhuria, Shri Dileep Singh

Das, Shri Anadi Charan

Birbal, Shri

Das, Shri R.P.

Birendra Singh, Rao

Das, Shri Sudarsan

Birinder Singh, Shri

Das Munsii, Shri Priya Ranjan

Brahma Dutt, Shri

Dennis, Shri N.

Budania, Shri Narendra

Deora, Shri Murli

Bundela, Shri Sujan Singh

Dev, Shri Sontosh Mohan

Buta Singh, S.

Devi, Prof. Chandra Bhanu

Chandrakar, Shri Chandulal

Dhariwal, Shri Shanti

Chandrasekhar, Shrimati M.

Dhillon, Dr. G.S.

Chandrashekarappa, Shri T.V.

Digal, Shri Radhakanta

Chandresh Kumari, Shrimati

Dighe, Shri Sharad

Charles, Shri A.

Digvijaya Singh, Shri

Chaturvedi, Shrimati Vidyavati

Dikshit, Shrimati Sheila

Chaudhary, Shri Manphool Singh

Dinesh Singh, Shri

Chaudhry, Shri Kamal

Dube, Shri Bhishma Deo

Chavan, Shri Ashok Shankarrao

Engti, Shri Biren Singh

Chidambaram, Shri P.

Faleiro, Shri Eduardo

Choudhari, Shrimati Usha

Gadgil, Shri V.N.

Choudhary, Shri Jagannath

Gadhvi, Shri B.K.

Choudhary, Shri Nandlal

Gaekwad, Shri Ranjit Singh

Dabhi, Shri Ajitsinh

Gaikwad, Shri Udaysingrao

Dalbir Singh, Shri

Gamit, Shri C.D.

Dalwai, Shri Hussain

Gandhi, Shri Rajiv

Ganga Ram, Shri	Jitendra Prasada, Shri
Gavit, Shri Manikrao Hodlya	Jujhar Singh, Shri
Gehlot, Shri Ashok	Kamal Nath, Shri
Gholap, Shri S.G.	Kamble, Shri Arvind Tulshiram
Ghorpade, Shri M.Y.	Kamson, Prof. Meijinlung
Ghosal, Shri Debi	Kaul, Shrimati Sheila
Ghosh, Shri Bimal Kanti	Kaushal, Shri Jagan Nath
Gohil, Shri G.B.	Ken, Shri Lala Ram
Gomango, Shri Giridhar	Keyur Bhushan Shri
Gounder, Shri A.S.	Khan, Shri Aslam Sher
Gowda, Shri H.N. Nanje	Khan, Shri Khurshid Alam
Guha, Dr. Phulrenu	Khan, Shri Mohd. Ayub
Gupta, Shri Janak Raj	Khatttri, Shri Nirmal
Gupta, Shrimati Prabhawati	Khirhar, Shri R.S.
Halder, Prof. M.R.	Kinder Lal, Shri
Harpal Singh, Shri	Krishna Singh, Shri
Jadeja, Shri D.P.	Kshirsagar, Shrimati Kesharbai
Jaffar Sharief, Shri C.K.	Kuchan, Shri Gangadhar S.
Jagannath Prasad, Shri	Kujur, Shri Maurice
Jain, Shri Nihal Singh	Kumaramangalam, Shri P.R.
Jain, Shri Virdhi Chander	Kunjambu, Shri
Jangde, Shri Khelan Ram	Kuppuswamy, Shri C.K.
Jatav, Shri Kammodilal	Kurien, Prof. P.J.
Jeevarathinam, Shri R.	Lachchhi Ram, Shri
Jena, Shri Chintamani	Lowang, Shri Wangpha

Madhuree Singh, Shrimati

Murthy, Shri M. V. Chandrashekara

Mahabir Prasad, Shri

Mushran, Shri Ajay

Mahendra Singh, Shri

Mutterwar, Shri Vilas

Makwana, Shri Narsinh

Naik, Shri Shantaram

Malik, Shri Dharampal Singh

Naikar, Shri D.K.

Mallick, Shri Lakshman

Namgyal, Shri P.

Malviya, Shri Bapulal

Narayanan, Shri K.R.

Mane, Shri Murlidhar

Nawal Prabhakar, Shrimati Sunderwati

Mane, Shri R.S.

Neekhara, Shri Rameshwar

Manorama Singh, Shrimati

Negi, Shri Chandra Mohan Singh

Manvendra Singh, Shri

Netam, Shri Arvind

Meena, Shri Ram Kumar

Odeyar, Shri Channaiiah

Mehta, Shri Harooobhai

Oraon, Shrimati Sumati

Meira Kumar, Shrimati

Pakeer Mohamed, Shri E.S.M.

Mishra, Shri G.S.

Pandey, Shri Damodar

Mishra, Shri Ram Nagina

Pandey, Shri Madan

Mishra, Shri Shripati

Pandey, Shri Manoj

Mishra, Shri Umakant

Panigrahi, Shri Chintamani

Misra, Shri Nityananda

Panigrahi, Shri Sriballav

Modi, Shri Vishnu

Panika, Shri Ram Pyare

Mohanty, Shri Brajamohan

Panja, Shri A.K.

More, Prof. Ramkrishna

Pant, Shri K.C.

Mukhopadhyay, Shri Ananda Gopal

Panwar, Shri Satyanarayan

Mundackal, Shri George Joseph

Parashar, Prof. Nafain Chand

Murmu, Shri Sidha Lal

Pardhi, Shri Kesharao

Paswan, Shri Ram Bhagat

Prakash Chandra, Shri

Patel, Shri Ahmed M.

Puran Chandra, Shri

Patel, Shri C.D.

Purohit, Shri Banwari Lal

Patel, Shri G.I.

Purushothaman, Shri Vakkom

Patel, Shri Mohanbhai

Pushpa Devi, Kumari

Patel, Shri Ram Pujan

Qureshi, Shri Aziz

Patel, Shri U.H.

Raghuraj Singh, Chaudhary

Pathak, Shri Chandra Kishore

Rai, Shri I. Rama

Patil, Shri Balasaheb Vikhe

Rai, Shri Raj Kumar

Patil, Shri H.B.

Rai, Shri Ramdeo

Patil, Shri Prakash V.

Raj Karan singh, Shri

Patil, Shri Shivraj V.

Rejeshwaran, Dr. V.

Patil, Shri Uttamrao

Rajhans, Dr. G.S.

Patil, Shri Veerendra

Ram, Shri Ram Ratan

Patil, Shri Vijay N.

Ram, Shri Ramswaroop

Patnaik, Shrimati Jayanti

Ram Awadh Prasad, Shri

Pattnaik, Shri Jagannath

Ram Dhan, Shri

Peruman, Dr. P. Vallal

Ram Prakash, Ch.

Pilot, Shri Rajesh

Ram Samujhawan, Shri

Poojary, Shri Janardhana

Ram Singh Shri

Potdukhe, Shri Shantaram

Ramachandran, Shri Mullappally

Prabhu, Shri R.

Rampal Singh, Shri

Pradhan, Shri K.N.

Rana Vir Singh, Shri

Pradhani, Shri K.

Ranga, Prof. N.G.

Ranganath, Shri K.H.

Sen, Shri Bholanath

Rao, Shri J. Vengala

Sethi, Shri Ananta Prasad

Rao, Shri K.S.

Sethi, Shri P.C.

Rao, Shri P.V. Narasimha

Shah, Shri Anoopchand

Rao, Shri V. Krishna

Shahi, Shri Laliteshwar

Rath, Shri Somnath

Shailesh, Dr. B.L.

Rathawa, Shri Amarsinh

Shaktawat, Prof. Nirmala Kumari

Rathod, Shri Uttam

Shankaranand, Shri B.

Raut, Shri Bhola

Shanmugam, Shri P.

Ravani, Shri Navin

Shanti Devi, Shrimati

Rawat, Shri Harish

Sharma, Shri Chiranji Lal

Rawat, Shri Kamla Prasad

Sharma, Shri Nand Kishore

Rawat, Shri Prabhu Lal

Sharma, Shri Nawal Kishore

Sahi, Shrimati Krishna

Sharma, Shri Pratap Bhanu

Sahu, Shri Shiv Prasad

Shastri, Shri Hari Krishna

Sait, Shri Azeez

Shervani, Shri Saleem I.

Sakargaym, Shri Kalicharan

Shingda, Shri D.B.

Salahuddin, Shri

Shivendra Bahadur Singh, Shri

Sankhwar, Shri Ashkaran

Siddiq, Shri Hafiz Mohd.

Sankata Prasad, Dr.

Sidnal, Shri S.B.

Satyendra Chandra, Shri

Singaravadivel, Shri S.

Sathe, Shri Vasant

Singh, Shri Bhanu Pratap

Sayeed, Shri P.M.

Singh, Shri Chandra Pratap Narain

Scindia, Shri Madhavrao

Singh, Shri D.G.

Singh, Shri K.N.

Swell, Shri G.G.

Singh, Shri Kamla Prasad

Tapeswar Singh, Shri

Singh, Shri Krishna Pratap

Tewary, Prof. K.K.

Singh, Shri Lal Vijay Pratap

Thakkar, Shrimati Usha

Singh, Shri N. Tombi

Thakur, Shri C.P.

Singh, Shri S.D.

Thara Devi, Kumari D.K.

Singh, Shri Santosh Kumar

Thomas, Prof. K.V.

Singh Deo, Shri K.P.

Thorat, Shri Bhausahab

Sinha, Shrimati Kishori

Thungon, Shri P.K.

Sinha, Shri Satyendra Narayan

Tigga, Shri Simon

Sodi, Shri Mankuram

Tilakdhari Singh, Shri

Solanki, Shri Kalyan Singh

Tomar, Shrimati Usha Rani

Solanki, Shri Natavarsinh

Tripathi, Dr. Chandra Shekhar

Soren, Shri Harihar

Tyagi, Shri Dharamvir Singh

Sparrow, Shri R.S.

Tytler, Shri Jagdish

Sreenivasa Prasad, Shri V.

Vairale, Shri Madhusudan

Sukh Ram, Shri

Van, Shri Deep Narain

Sukhbans Kaur, Shrimati

Vanakar, Shri Punam Chand Mithabhai

Sultanpuri, Shri K.D.

Venkatesan, Shri P.R.S.

Suman, Shri R.P.

Verma, Dr. C.S.

Sundararaj, Shri N.

Verma, Shrimati Usha

Surendra Pal Singh, Shri

Vijayaraghavan, Shri V.S.

Suryawanshi, Shri Narsing

Vir Sen, Shri

Swami Prasad Singh, Shri

Vyas, Shri Girdhari Lal

Wasnik, Shri Mukul

Dandavate, Prof. Madhu

Yadav, Shri Kailash

Das, Shri R.P.

Yadav, Shri Mahabir Prasad

Datta, Shri Amal

Yadav, Shri R.N.

Deo, Shri V. Kishore Chandra S.

Yadav, Shri Ram Singh

Gill, Shri M.S.

Yadav, Shri Shyam Lal

Goswami, Shri Dinesh

Yadava, Shri Bal Ram Singh

Hannan Mollah, Shri

Yadava, Shri D.P.

Hansda, Shri Matilal

Yashpal Singh, Shri

Iyer, Shri V.S. Krishna

Yazdani, Dr. Golam

Jagathrakshakan, Dr. S.

Yogesh, Shri Yogeshwar Prasad

Jhansi Lakshmi, Shrimati N.P.

Zainul Basher, Shri

Kalpana Devi, Dr. T.

NOES

Acharia, Shri Basudeb

Kurup, Shri Suresh

Athwal, Shri Charanjit Singh

**Law, Shri asutosh

Barman, Shri Palas

Mahata, Shri Chitta

Basu, Shri Anil

Malik, Shri Purna Chandra

Bhandari, Shrimati D.K.

Masudal Hossian, Shri Syed

Bhoopathy, Shri G.

Misra, Shri Satyagopal

Biswas, Shri Ajay

Mukherjee, Shrimati Geeta

Chatterjee, Shri Somnath

Natarajan, Shri K.R.

Choubey, Shri Narayan

Patel, Dr. A.K.

Chowdhary, Shri Saifuddin

Pathak, Shri Ananda

**Wrongal voted for NOES.

Patil, Shri D.B.

Penchalliah, Shri P.

Ram Bahadur Singh, Shri

Ramashray Prasad Singh, Shri

Rao, Shri A.J.V.B. Maheswara

Rao, Dr. G. Vijaya Rama

Rao, Shri Srihari

Rao, Shri V. Sobhanadreeswara

Reddi, Shri C. Madhav

Reddy, Shri B.N.

Reddy, Shri Bezawada Papi

Reddy, Shri C. Janga

Reddy, Shri D.N.

Reddy, Shri P. Manik

Reddy, Shri S. Jaipal

Riyan, Shri Baju Ban

Ray, Dr. Sudhir

Roypradhan, Shri Amar

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Saikia, Shri M.R.

Samant, Dr. Datta

Shaminder Singh, Shri

Singh, Shri Ram Narain

Swamy, Shri D. Narayan

Thomas, Shri Thampan

Tiraky, Shri Piyus

Tulsiram, Shri V.

Yadav, Shri Vijoy Kumar

Zainal Abedin, Shri

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is as follows:

Yes: 338

Noes: 66

The motion is carried by a majority of the total membership of the House any by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY SPEAKER: The question is:

MR. DEPUTY SPEAKER

"That Clause 1 stand part of the Bill."

*The following Members also recorded their votes.

AYES : Shri Asutosh Low.

NOES: Shri N.V.N. Somu, B.B. Ramaiah, Shri Vijay and Kumag Raju and Shri E. Ayyapa Reddy

[Mr. Deputy Speaker]

The motion was adopted.

Clause 1 was added to the Bill.

Clause 1 A (New)

SHRI HANNAN MOLLAH: I beg to move:

after line 4, insert -

" 1 (A) In article 83 of the Constitution, after the existing proviso the following proviso shall be inserted namely:-

" Provided further that no such law shall be made during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act, 1988, in respect of the whole of Punjab or any part of the territory thereof".(a)

SHRI SOMNATH CHATTERJEE (Bolpur) I beg to move:

Page 1,-

after line 4, insert-

"1 A. In article 83 of the Constitution, after the existing proviso the following proviso shall be inserted namely :-

"Provided further that no such law shall be made during the operation of the Proclamation of Emergency that may be declared in relation to the State of Punjab or any part of the territory thereof after the enactment of the Constitution (Fifty-Ninth Amendment) Bill, 1988 by Par-

liament." (13)

Page 1,-

after line 4, insert-

"1 A In article 250 of the Constitution after clause (2), the following proviso shall be inserted, namely;

" Provided that this article shall not apply in relation to any Proclamation of Emergency that may be declared in relation to the State of Punjab or any part of the territory thereof after the enactment of the Constitution (Fifty-Ninth Amendment) Bill, 1988 by Parliament." (M)

This is a matter of very great importance and the political honest of this government is at stake. Art. 83 of the Constitution of India. where is Mr. Chidambaram- has nothing to do with this 42nd amendment. Article 83 of the Constitution of India clause 2 reads as follows:

"The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the House.

" ... Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding Parliament year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate."

This has nothing to do with 42nd Amendment. So far there is no proviso with regard to part of the territory of India or as soon as a proclamation is issued under the proposed legislation, the government will have the power to bring a law for extending the period of five years, that is the duration of the House. Even if a proclamation is declared for one district of Punjab, it will be sufficient because only a proclamation of emergency is necessary. Now, if the objective of this law is only to tackle the terrorist situation now prevailing in Punjab, you should not even think of having any provision whereby you can extend the period of the life of this House by taking advantage of the limited proclamation of emergency, as you said. Therefore, I wish to make it clear. It will not mean that it can never be done. I say "Provided further that no such law shall be made during the operation of the proclamation of emergency that may be declared in relation to the State of Punjab or any part of the territory thereof after the enactment of the Constitution (59th Amendment) Bill 1988 by Parliament". Therefore, if this Government has no intention for extending the period of this House, the present Lok Sabha, then you should agree that you would not exercise that power during the operation of any proclamation of emergency that may be declared in Punjab. That shows, if the government opposes this, if the ruling party oppose my amendment, then it will be clear to the people of this country that they want to utilise a pretended proclamation of emergency really for the object of extending the life of this House and to avoid holding the elections in this country as they had postponed the Delhi Municipal elections, as they are not holding elections for vacant seats in Parliament. Therefore, the object will be to avoid the people of this country, even for holding the elections to the Lok Sabha. I want to make it clear. This is a test for the Government. Its honesty is at stake.

S. BUTA SINGH: Shri Somnath Chat-

terjee has argued that the expression, "Proclamation of Emergency" occurring in Article 83 of the Constitution would enable the Government to extend the term of the Lok Sabha. It may be recalled that the Forty-second Amendment brought in the concept of the declaration of Emergency in any part of the territory of India and at that time Article 83 was not deliberately amended to exclude its operation when any part of India is brought under the State of Emergency. This being so, the position has not changed in any way with any proposal to amend the Constitution. Therefore the suggestion made by Shri Somnath Chatterjee is not only irrelevant but mischievous.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Is this the reply of the Home Minister?

PROF. MADHU DANDAVATE: What is the objection? If that is the position what is the objection?

SHRI SOMNATH CHATTERJEE: Absolutely erroneous reply!

MR. DEPUTY SPEAKER: The question is:

Page 1,-

after line 4, Insert-

'1 A. In article 83 of the Constitution, after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that no such law shall be made during the operation of the Proclamation of Emergency that may be declared after the commencement of the Constitution (Fifty-Ninth Amendment) Act, 1988, in re-

[Mr. Deputy Speaker]
spect of the whole of Punjab or
any part of the territory thereof."
(9)

actment of the Constitution
(Fifty-Ninth Amendment) Bill,
1988 by Parliament." (14)

The Lok Sabha divided:

page 1,

after line 4, insert-

Division No. 5

19.44 hrs.

'1 A. In article 83 of the
Constitution after the existing
proviso, the following proviso
shall be inserted, namely:

AYES

Acharia, Shri Basudeb

Athwal, Shri Charanjit Singh

Barman, Shri Palas

Basu, Shri Anil

Bhandari, Shrimati D.K.

Bhoopathy, Shri G.

Biswas, Shri Ajoy

Chowdhary, Shri Saifuddin

Dandavate, Prof. Madhu

Das, Shri R.P.

Datta, Shri Amal

Deo, shri V. Kishore Chandra S.

**Ganga Ram, Shri

Gill, Shri M.S.

Goswami, Shri Dinesh

Hannan Mollah, Shri

"Provided further that no such
law shall be made during the
operation of the Proclamation of
Emergency that may be de-
clared in relation to the State that
may be declared in relation to the
State of Punjab or any part of the
territory thereof after the enact-
ment of the Constitution (Fifty-
Ninth Amendment) Bill, 1988 by
Parliament."(13)

Page 1,

after line 4, insert-

'1 A In article 250 of the
Constitution after clause (2), the
following proviso shall be in-
serted, namely:—

"Provided that this article
shall not apply in relation to any
Proclamation of Emergency that
may be declared in relation to
the State of Punjab or any part of
the territory thereof after the en-

Hansda, Shri Matilal

Reddy, Shri B.N.

Iyer, Shri V.S. Krishna

Reddy, Shri Bezawada Papi

Jagathrakshakan, Dr. S.

Reddy, Shri C. Janga

Jhansi Lakshmi, Shrimati N.P.

Reddy, Shri E. Ayyapu

Kalpana Devi, Dr. T.

Reddy, Shri P. Manik

Khan, Shri Mohd. Mahfooz Ali

Reddy, Shri S. Jaipal

Kurup, Shri Suresh

Riyan, Shri Baju Ban

Mahata, Shri Chitta

Roy, Dr. Sudhir

Malik, Shri Purna Chandra

Roypradhan, Shri Amar

Masudal Hossain, Shri Syed

Saha, Shri Ajit Kumar

Mishra, Shri Satyagopal

Samant, Dr. Datta

Mukherjee, Shrimati Geeta

Sambu, Shri C.

Natarajan, Shri K.R.

Shaminder Singh, Shri

Patel, Dr. A.K.

**Sodi, Shri Mankuran

Pathak, Shri Ananda

Spmu, Shri N.V.N.

Penchalliah, Shri P.

Swamy, Shri D. Narayana

Raju, Shri Vijaya Kumar

Thomas, Shri Thampan

Ramashray Prasad Singh, Shri

Tiraky, Shri Piyus

Rao, Shri A.J.V.B. Maheswara

Tulsiram, Shri V.

Rao, Dr. G. Vijaya Rama

Yadav, Shri Vijoy Kumar

Rao Shri Srihari

Zainal Abedin, Shri

Rao, Shri V. Sobhanadreeswara

NOES

Reddi, Shri C. Madhav

Abbasi, Shri K.J.

****Wrongly voted for AYES.**

Abdul Ghafoor, Shri

Bhakta, Shri Manoranjan

Agarwal, Shri Jai Prakash

Bharat Singh, Shri

Ahmed, Shrimati Abida

Bhardwaj, Shri Parasram

Alkha Ram, Shri

Bhatia, Shri R.L.

Anand Singh, Shri

Bhoi, Dr. Krupasindhu

Ansari, Shri Abdul Hannan

Bhosale, Shri Prataprao B.

Ansari, Shri Z.R.

Bhumij, Shri Haren

Antony, Shri P.A.

Bhuria, Shri Dileep Singh

Arunachalam, Shri M.

Birbal, Shri

Athithan, Shri R. Dhanuskodi

Birendra Singh, Rao

Awasthi, Shri Jagdish

Birinder Singh, Shri

Azad, Shri Ghulam Nabi

Brahma Dutt, Shri

Baghel, Shri Pratapsinh

Budania, Shri Narendra

Bairagi, Shri Balkavi

Buta Singh, S.

Bairwa, Shri Banwari Lal

Chandrakar, Shri Chandulal

Bajpai, Dr. Rajendra Kumari

Chandrashekharappa, Shri T.V.

Bala Goud, Shri T.

Chandresh Kumari, Shrimati

Balaraman, Shri L.

Charles, Shri A.

Bali, Shrimati Vyjayanthimala

Chaturvedi, Shrimati Vidyavati

Barrow, Shri A.E.T.

Chaudhary, Shri Manphool Singh

Basavarajeswari, Shrimati

Chaudhry, Shri Kamal

Basavaraju, Shri G.S.

Chavan, Shri Ashok Shankarrao

Bhagat, Shri B.R.

Chidambaram, Shri P.

Bhagat, Shri H.K.L.

**Choubey, Shri Narayan

 **Wrongly voted for AYES.

Choudhari, Shrimati Usha

Garnit, Shri C.D.

Choudhary, Shri Jagannath

Gandhi, Shri Rajiv

Dabhi, Shri Ajitsinh

Gavit, Shri Manikrao Hodiya

Dalbir Singh, Shri

Gehlot, Shri Ashok

Dalwai, Shri Hussain

Gholap, Shri S.G.

Damor, Shri Somjibhai

Ghorpade, Shri M.Y.

Das, Shri Anadi Charan

Ghosal, Shri Debi

Das, Shri R.P.

Ghosh, Shri Bimal Kanti

Das, Shri Sudarsan

Gohil, Shri G.B.

Dennis, Shri N.

Gomango, Shri Giridhar

Dev, Shri Sontosh Mohan

Gounder, Shri A.S.

Devi, Prof Chandra Bhanu

Gowda, Shri H.N. Nanje

Dhariwal, Shri Shanti

Gupta, Shri Janak Raj

Digal, Shri Radhakanta

Halder, Prof. M.R.

Dighe, Shri Sharad

Harpal Singh, Shri

Digvijaya Singh, Shri

Jadeja, Shri D.P.

Dikshit, Shrimati Sheila

Jaffar Sharief, Shri C.K.

Dinesh Singh, Shri

Jagannath Prasad, Shri

Dube, Shri Bhishma Deo

Jain, Shri Nihal Singh

Engti, Shri Biren Singh

Jain, Shri Virdhi Chander

Faleiro, Shri Eduardo

Jangde, Shri Khelan Ram

Gadhvi, Shri B.K.

Jaisav, Shri Kammodilal

Gaekwad, Shri Ranjit Singh

Jeevarathinam, Shri R.

Galkwad, Shri Udaysingrao

Jena, Shri Chintamani

Jitendra Prasada, Shri

Law, Shri Asutosh

Jujhar Singh, Shri

Lowang, Shri Wangpha

Kamal Nath, Shri

Madhuree Singh, Shrimati

Kamble, Shri Arvind Tulshiram

Mahabir Prasad, Shri

Kamson, Prof. Meijinlung

Mahendra Singh, Shri

Kaul, Shrimati Sheila

Makwana, Shri Narsinh

Kaushal, Shri Jagan Nath

Mallick, Shri Lakshman

Ken, Shri Lala Ram

Malviya, Shri Bapulal

Keyur Bhushan Shri

Mane, Shri Murlidhar

Khan, Shri Aslam Sher

Mane, Shri R.S.

Khan, Shri Khurshid Alam

Manorama Singh, Shrimati

Khan, Shri Mohd. Ayub

Manvendra Singh, Shri

Khatttri, Shri Nirmal

Meena, Shri Ram Kumar

Khirhar, Shri R.S.

Meira Kumar, Shrimati

Kinder Lal, Shri

Mishra, Shri G.S.

Krishna Singh, Shri

Mishra, Shri Ram Nagina

Kshirsagar, Shrimati Kesharbai

Mishra, Shri Umakant

Kuchan, Shri Gangadhar S.

Modi, Shri Vishnu

Kujur, Shri Maurice

Mohanty, Shri Brajamohan

Kumaramangalam, Shri P.R.

More, Prof. Ramkrishna

Kunjambu, Shri

Mukhopadhyay, Shri Ananda Gopal

Kuppuswamy, Shri C.K.

Mundackal, Shri George Joseph

Kurien, Prof. P.J.

Murthy, Shri M. V. Chandrashekara

Lachchhi Ram, Shri

Mushran, Shri Ajay

Muttamwar, Shri Vilas

Patel, Shri Ahmed M.

Naik, Shri Shanta Ram

Patel, Shri C.D.

Naikar, Shri D.K.

Patel, Shri G.I.

Namgyal, Shri P.

Patel, Shri Mohanbhai

Narayanan, Shri K.R.

Patel, Shri Ram Pujan

Nawal Prabhakar, Shrimati Sunderwati

Patel, Shri U.H.

Neekhara, Shri Rameshwar

Pathak, Shri Chandra Kishore

Negi, Shri Chandra Mohan Singh

Patil, Shri Balasaheb Vikhe

Netam, Shri Arvind

Patil, Shri H.B.

Odeyar, Shri Channaiah

Patil, Shri Prakash V.

Oraon, Shrimati Sumati

Patil, Shri Shivraj V.

Pakeer Mohamed, Shri E.S.M.

Patil, Shri Uttamrao

Pandey, Shri Damodar

Patil, Shri Veerendra

Pandey, Shri Madan

Patil, Shri Vijay N.

Pandey, Shri Manoj

Patnaik, Shrimati Jayanti

Panigrahi, Shri Chintamani

Pattnaik, Shri Jagannath

Panigrahi, Shri Sriballav

Peruman, Dr. P. Vallal

Panika, Shri Ram Pyare

Pilot, Shri Rajesh

Panja, Shri A.K.

Poojary, Shri Janardhana

Pant, Shri K.C.

Potdukhe, Shri Shantaram

Panwar, Shri Satyanarayan

Prabhu, Shri R.

Parashar, Prof. Narain Chand

Pradhan, Shri K.N.

Pardhi, Shri Kesharao

Pradhani, Shri K.

Paswan, Shri Ram Bhagat

Prakash Chandra, Shri

Puran Chandra, Shri

Rao, Shri J. Vengala

Purohit, Shri Banwari Lal

Rao, Shri K.S.

Purushothaman, Shri Vakkom

Rao, Shri P.V. Narasimha

Pushpa Devi, Kumari

Rao, Shri V. Krishna

Qureshi, Shri Aziz

Rath, Shri Somnath

Raghuraj Singh, Chaudhary

Rathawa, Shri Amarsinh

Rai, Shri I. Rama

Rathod, Shri Uttam

Rai, Shri Raj Kumar

Raut, Shri Bhola

Rai, Shri Ramdeo

Ravani, Shri Navin

Raj Karan Singh, Shri

Rawat, Shri Harish

Rejeshwaran, Dr. V.

Rawat, Shri Kamla Prasad

Rajhans, Dr. G.S.

Rawat, Shri Prabhu Lal

Ram, Shri Ram Ratan

Sahi, Shrimati Krishna

Ram Awadh Prasad, Shri

Sahu, Shri Shiv Prasad

Ram Dhan, Shri

Sait, Shri Azeez

Ran. Prakash, Ch.

Sakargaym, Shri Kalicharan

Ram Samujhawan, Shri

Salahuddin, Shri

Ram Singh Shri

Sankhawar, Shri Ashkaran

Ramachandran, Shri Mullappally

Sankata Prasad, Dr.

Rampal Singh, Shri

Satyendra Chandra, Shri

Rana Vir Singh, Shri

Sathe, Shri Vasant

Ranga, Prof. N.G.

Sayeed, Shri P.M.

Ranganath, Shri K.H.

Scindia, Shri Madhavrao

Rao, Shri J. Chokka

Sen, Shri Bholanath

Sethi, Shri Ananta Prasad

Singh, Shri Kamla Prasad

Sethi, Shri P.C.

Singh, Shri Krishna Pratap

Shah, Shri Anoopchand

Singh, Shri Lal Vijay Pratap

Shahi, Shri Laliteshwar

Singh, Shri N. Tombi

Shailesh, Dr. B.L.

Singh, Shri S.D.

Shaktawat, Prof. Nirmala Kumari

Singh, Shri Santosh Kumar

Shankaranand, Shri B.

Singh Deo, Shri K.P.

Shanmugam, Shri P.

Sinha, Shrimati Kishori

Shanti Devi, Shrimati

Sinha, Shri Satyendra Narayan

Sharma, Shri Chiranji Lal

Solanki, Shri Kalyan Singh

Sharma, Shri Nand Kishore

Solanki, Shri Natavarsinh

Sharma, Shri Nawal Kishore

Soren, Shri Harihar

Sharma, Shri Pratap Bhanu

Sparrow, Shri R.S.

Shastri, Shri Hari Krishna

Sreenivasa Prasad, Shri V.

Shervani, Shri Saleem I.

Sukh Ram, Shri

Shingda, Shri D.B.

Sukhbuns Kaur, Shrimati

Shivendra Bahadur Singh, Shri

Sultanpuri, Shri K.D.

Siddiq, Shri Hafiz Mohd.

Suman, Shri R.P.

Sidnal, Shri S.B.

Sundararaj, Shri N.

Singaravadivel, Shri S.

Surendra Pal Singh, Shri

Singh, Shri Bhanu Pratap

Suryawanshi, Shri Narsing

Singh, Shri Chandra Pratap Narain

Swami Prasad Singh, Shri

Singh, Shri D.G.

Swell, Shri G.G.

Singh, Shri K.N.

Tewary, Prof. K.K.

Thakkar, Shrimati Usha

Wasnik, Shri Mukul

Thara Deyi, Kumari D.K.

Yadav, Shri Kailash

Thomas, Prof. K.V.

Yadav, Shri Mahabir Prasad

Thorat, Shri Bhausahab

Yadav, Shri R.N.

Thungon, Shri P.K.

Yadav, Shri Ram Singh

Tigga, Shri Simon

Yadav, Shri Shyam Lal

Tilakdhari Singh, Shri

Yadava, Shri Bal Ram Singh

Tomar, Shrimati Usha Rani

Yadava, Shri D.P.

Tripathi, Dr. Chandra Shekhar

Yashpal Singh, Shri

Tyagi, Shri Dharamvir Singh

Yazdani, Dr. Golam

Tytler, Shri Jagdish

Yogesh, Shri Yogeshwar Prasad

Vairale, Shri Madhusudan

Zainul Basher, Shri

Van, Shri Deep Narain

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is:

Vanakar, Shri Punam Chand Mithabhai

Ayes : 060

Venkatesan, Shri P.R.S.

Noes : 320

Verma, Dr. C.S.

The motion was negatived.

Verma, Shrimati Usha

MR. DEPUTY SPEAKER: The question is:

Vir Sen, Shri

" That the Enacting Formula and the Long Title stand part of the Bill."

Vyas, Shri Girdhari Lal

** The following Members also recorded their votes:

AYES: Shri Somnath Chatterjee, Shri B.B.Ramaiah, Shri Ram Bahadur Singh, Shri Manik Sanyal, Shri Gadadhar Saha, Shri Ram Narain Singh, Shri M.R. Saikia and Shri Narayan Choubey

NOES: Shri. P.R. Das Munsi, Dr. G.S. Dhillon, Shri V.N.Gadgil, Shri Dharam Pal Singh Malik, Shri Sujan Singh Bundela, Shri Harooobhai Mehta, Shri Akhtar Hasan, Shri Vir Sen, Shri Sripati Mishra, Dr. Phulrenu Guha, Shri Tapeswar Singh, Shri T. Basheer, Dr. C.P. Thakur, Shri Nandlal Chaudhary, Shri Sidha Lal Murmu, Shri Ganga Ram, Shri Munkuram Sodl, Shrimati M. Chandrasekhar, Shri Nityanand Mishra and Shrimati Prabhawati Gupta.

The motion was adopted

The Enacting Formula and the Long Title were added to the Bill.

S. BUTA SINGH : I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

" That the Bill be passed."

SHRI BASUDEB ACHARIA: I want to speak:

MR. DEPUTY-SPEAKER: Already you have taken some time.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Can you anticipate who are reaping the benefits of this law?

PROF. MADHU DANDAVATE: On Third reading, funeral oration may be allowed.

MR. DEPUTY-SPEAKER: Only one of you.

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY (Katwa) All the names that have been given should be called.

SHRI BASUDEB ACHARIA: Now, I will appeal to colleagues on the other side at this final stage... *(Interruptions)*

PROF. MADHU DANDAVATE: When the patient is likely to die!

SHRI BASUDEB ACHARIA: ... to ask their conscience, because their support to

this Bill will be a great anti-national act on their part. *(Interruptions)*

The intention of the Government is very clear. It is clear just now. Shri Buta Singh has made it clear by retaining this Article 83 as it is, not accepting a very simple amendment table by us, by Comrade Somnath Chatterjee, Shri Hannan Mollah, myself and Shri Saifuddin Chowdhary.

Their intention is not to curb the terrorist activities in Punjab, but to curb the Opposition, the voice of the Opposition and to curb the rights of the people. If their intention is to curb terrorism to solve the Punjab problem, the Punjab tangle, they could have solved it. They are still considering Punjab problem as a mere law and order problem and not a political one. Punjab problem is a political problem. The solution of Punjab problem is also a political solution, but still they are considering it as a law and order problem. The Government want to arm themselves and they have enough reasons—twenty two weapons they have acquired. Still they want emergency to be imposed there and to take away the fundamental rights, the inherent right-right to life and right to liberty of the people of Punjab.

(Interruptions)

AN HON. MEMBER: Liberty *(Interruptions)*

PROF. MADHU DANDAVATE: (Rajapur) : He will talk about liberty and you talk about slavery *(Interruptions)*

SHRI BASUDEB ACHARIA: This is the way they are paying homage to the people of Punjab who laid down their lives for fighting; this is the way they are rewarding the people of Punjab who are waging a heroic fight against the terrorists and disruptive forces...those who want Khalistan and to secede and to separate Punjab from India

[Sh. Basudeb Acharia]

against the integrity and unity of the country, by curbing the right of the people of Punjab. In a back-door way, they want to impose emergency throughout India. We had the experience of Emergency of 1975. Emergency was imposed, the right of the people was curbed and taken away and thousands of people were put behind the bar. (*Interruptions*)

Sir, this should be not be utilised for a political purpose to suppress the Opposition (*Interruptions*)

MR. DEPUTY SPEAKER: Please wind up. I cannot allow more time during the third reading. Many Members wanted to speak.

SHRI BASUDEB ACHARIA: Sir, I oppose this Bill lock, stock barrel and I also ask at this final stage that they should withdraw the Bill as assured... (*Interruptions*)

Buta Singhji, while you were replying to the debate, Badal group gave a firm assurance that they would stand for the unity and integrity of the nation... (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : They did not give. No assurance was given (*Interruptions*)

SHRI BASUDEB ACHARIA: Because of that assurance, I urge upon the hon. Minister S. Buta Singh that he should withdraw the Bill. I oppose this Bill.

SHRI SURESH KURUP (Kottayam) We are making a last minute appeal to the good sense of the ruling party, if at all there is any left, not to proceed with this Bill.

Mr. Buta Singh, you are going to pass a Bill which is going to segregate Punjab from the rest of the country. While intervening in this debate, Minister of State for Home Affairs, Mr. Chidambaram, was trying to con-

vince us that there is nothing in this Bill which is against the federal structure of our country. So for every other part of our country there are only three valid reasons for declaring an emergency i.e. war or external aggression or armed rebellion. You are adding one more reason only for Punjab. i.e. internal disturbance. So for the people of Punjab this proviso is added and this is against the principle of natural justice, equality before law and the federal structure of the country. You are isolating the people of Punjab. A special law is being made only for the people of Punjab. This is against the federal concept of our country. (*Interruptions*)

Mr. Chidambaram was saying that article 21 is not part of the basic structure of our Constitution. As has been repeatedly pointed out by hon. Members the amending power given to this Parliament under article 368 does not empower Parliament.. (*Interruptions*).

MR. DEPUTY SPEAKER: May I request the hon. Members to keep silence. Please order. If you continue to make noise, the House cannot be run. You are only wasting the time of the House by making noise. That is what I can say. You are not allowing the House to run.

SHRISURESH KURUP: When the 44th Amendment was brought before this House and when this House passed it unanimously, it was specifically added to the Constitution that under any circumstances, even if an emergency is declared, articles 20 and 21 cannot be suspended. It was just because article 21 is the most fundamental of all the Fundamental Rights and it is part of the basic structure of the Constitution. This was specifically added like that. Life of a citizen is the basic thing. So, under any circumstances, you cannot change this. The amending power of the parliament does not empower this Parliament to change this basic structure. This is what they are doing. The House

is not competent enough to pass this Bill. That is the most important thing. Using Punjab as a facade, they are going to re-enact the whole ugly scenario of Emergency in this country. They are trying to burn the house to catch a little mouse. So, I again appeal to the ruling party Members not to vote for this Bill because once Emergency is again declared in this country, they are not going to come back to this House. History will repeat itself and the people of the country will teach them a lesson again.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Mr. Deputy Speaker, Sir, it is now the most appropriate moment to remember the victims of Karisari where the Hindus and the Sikhs did not allow themselves to be separated and laid their lives at the hands of the terrorists. It is time to remember those workers of our party and also of the Congress Party, and of some other parties, who laid down their lives for the integration of Punjab with the rest of the country. Now, those who are willing to politically fight the terrorists, who are facing assaults from the terrorists, who are required to be strengthened, they are going to take away the rights from them—right to speak, right to liberty, right to life. Nothing can be more disastrous than this. When they are being killed by terrorists, the Government is enacting a law to take away the right of life from them. So, I condemn this Bill. I am very sorry that not only by the enactment of the anti-defection law, but also by this enticement of extending the House for another year, the reasoned voice of many of the ruling party Members has been silenced by the High Command.. (Interruptions). They must not forget what happened to the Members of the Congress Party during Emergency. We faced Emergency earlier, we have to face it again in the future. I must tell that in the minds of the Government, the integrity of Punjab, the

fight against terrorism is not there sincerely. They are responsible for the complication of the problem in Punjab. They have sabotaged the united action that had to be taken in Punjab to carry forward the message of unity to the people. Now they are taking the problem of Punjab as an alibi to subvert the Constitution, to subvert the Fundamental rights. I find no utility to appeal to this block-headed majority which cannot be moved even at this critical hour, but I appeal to the clear-headed people of our country to listen to our voice and come forward and teach a lesson to this dictatorial party ruling our country.

***SHRI SATYAGOPAL MISRA** (Tamluk) : Mr. Deputy Speaker, Sir, we are discussing this Bill since yesterday, but even now the purpose of bringing forth this type of Bill is not quite clear. The hon. Minister said that we will have to fight terrorism in Punjab unitedly together carrying with us all the people belonging to different religions and different political parties. On the one hand the Govt. is saying this but on the other hand they are imposing this sort of black legislation on the people of Punjab. This will create a big hurdle in waging a combined fight against terrorism in Punjab. Hence the attitude and the outlook of the Govt. towards the Punjab problem is not clearly understandable. Once they made an accord, but did not implement it. Elections were held in Punjab but after the election the State assembly was kept in animated suspension and President's rule was imposed there. Later the State assembly was dissolved. Now the Govt. is going to clamp emergency in Punjab. This shows that the Govt. is unable to make up its mind how to combat the Punjab problem. From the discussion that took place in this House yesterday on this Bill, it appeared to me that it is not the real intention of the Govt. to solve the Punjab

*The Speech was Originally delivered in Bengali.

[Sh. Satyagopal Misra]

problem. The Govt. finds that they have got alienated from the people due to the way they have functioned over the last three years and the web of corruption that they have created around themselves. As a result of all these, they have lost the support of the people today. They are afraid of facing elections and because of this fear of fresh elections they want to extend the life of the present Lok Sabha by one more year. They want to remain in power for one extra year by passing this type of Bill. This is the real purpose. Therefore, as patriotic citizens of this country it is the duty of all of us to oppose this Bill by all the means at our command. We have to oppose it tooth and nail, inside the House as well as outside the House. We should impress upon the people of this country not to allow this Govt. to act in this undemocratic manner. We all remember the dark days of the last emergency when there was no such thing as individual liberty, and there was no freedom of the press either. We are all being taken back to those black days. Sir, through this Bill and through the clamping of emergency in Punjab, nobody will be able to know what is happening in Punjab. The incidents taking place in Punjab will not be allowed to be published in the newspapers. The people will be kept in the dark about what is taking place in Punjab. Nobody will get any information. The freedom of the press is sought to be curbed through this Bill. On account of our bitter experience of the days of the last emergency, we cannot agree to the clamping of another emergency today. Therefore, I will urge upon everybody that still there is time to oppose this undemocratic Bill and we should all do that. I reiterate that it is necessary to wage a united fight against terrorism in Punjab by carrying all the patriotic and democratic people of Punjab, belonging to different religions and different parties, with us. The solution of the Punjab problem is possible only through political means and I hope that everybody will follow that path. Still there is time for that. I again

urge upon the Government to withdraw this black Bill and to follow the above democratic way to solve the Punjab problem and to combat terrorism in Punjab.

SHRI THAMPAN THOMAS: Sir, I would like to ask them whether by passing this law, will the Government of India be able to contain terrorism in Punjab? I feel that this inefficient Government which could not contain terrorism in the country, cannot contain it even after this Bill is passed and they have proved their inability in containing terrorism in the country. Ultimately, what will happen is that it will lead to authoritarianism and dictatorship. It is against the spirit of the Constitution. It clads with authority and power. My friends sitting on the Opposite who support this Bill donot know that they are getting 'Padmasura Varam'. They themselves are destroying their liberty. They are only like sheep now led to slaughter house. I pity them. I oppose this Amendment Bill.

[Translation]

THE MINISTER OF HOME AFFAIRS (S. BUTASINGH): Mr. Deputy Speaker, Sir, from the statements made by Shri Basudeb Acharia, Kurup Saheb, Shri Saifuddinji and Thomas Saheb, it appears that all the political parties have together unnecessarily tried to stall the Bill and they have failed in their attempt. Basudeb Achariaji and Saifuddin Saheb raised the issue of emergency. In 1975 during the days of emergency, who derived the maximum benefit? it was the Communist Party of India (Marxist)..(Interruptions) ... because that party then followed the policy of running with the hare and hunting with the hound ... (Interruptions)

[English]

SHRI BASUDEB ACHARIA: We opposed the Emergency at that time. We were all in Delhi at that time (Interruptions)

S. BUTA SINGH: This House is well aware of the facts.. (*Interruptions*) ... The Communist Party supported the Emergency but during elections cooperated with the Janata Party. Now what kind of lesson are you going to teach to the people..(*Interruptions*)

[*English*]

SHRI BASUDEB ACHARIA: I belong to the Communist Party of India (Marxist). We opposed the Emergency. We went to jail... (*Interruptions*)..

[*Translation*]

S. BUTA SINGH: Just a while ago, Basudeb Achariaji referred to one thing. I made it very clear then that if the united Akali Party gave us an assurance that they would come forward and make efforts along with the front of other political parties to preserve the unity and integrity of the country, combat terrorism in Punjab and prevent killings of innocent persons there, then the Government would never impose emergency in Punjab. But no such assurance has come from them. I would like to say one thing to Acharia Saheb that in spite of the initiative of his party, on such assurance has come so far. From this, it becomes clear what is their real motive. This Bill is being brought forward to strengthen the unity and integrity of the nation ... (*Interruptions*) I again appeal to all the political parties to come forward rising above the narrow party politics and cooperate with the Government in tackling terrorism in Punjab. I also request the august House to pass the Bill unanimously.

[*English*]

MR. DEPUTY SPEAKER: Before I put the motion that the Bill be passed, to the vote of the House, this being a Constitution (Amendment) Bill voting has to be by division.

Let the Lobbies be cleared-

Now the Lobbies have been cleared.

The question is :-

"That the Bill be passed"

The Lok Sabha divided:

20.12 hrs.

At this stage Shri C. Madhav Reddy And some Other Hon. Mmbrers Left the House.

[*Division No. 6*]

20.13 hrs

AYES

Abdul Ghafoor, Shri

Agarwal, Shri Jai Prakash

Ahmed, Shrimati Abida

Akhtar Hasan, Shri

Alkha Ram, Shri

Anand Singh, Shri

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Athithan, Shri R. Dhanuskodi

Awasthi, Shri Jagdish

Azad, Shri Ghulam Nabi

Birendra Singh, Rao

Baghel, Shri Pratapsinh

Budania, Shri Narendra

Bairagi, Shri Balkavi

Bundela, Shri Sujan Singh

Bairwa, Shri Banwari Lal

Buta Singh, S.

Baitha, Shri D.L.

Chandrasekhar, Shrimati M.

Bajpai, Dr. Rajendra Kumari

Chandresh Kumari, Shrimati

Bala Goud, Shri T.

Chaturvedi, Shrimati Vidyavati

Balaraman, Shri L.

Chaudhary, Shri Manphool Singh

Bali, Shrimati Vyjayanthimala

Chaudhry, Shri Kamal

Barrow, Shri A.E.T.

Chavan, Shri Ashok Shankarrao

Basavarajeswari, Shrimati

Chidambaram, Shri P.

Basavaraju, Shri G.S.

Choudhari, Shrimati Usha

Basheer, Shri T.

Choudhary, Shri Jagannath

Bhagat, Shri B.R.

Choudhary, Shri Nandlal

Bhagat, Shri H.K.L.

Dabhi, Shri Ajitsinh

Bhakta, Shri Manoranjan

Dalbir Singh, Shri

Bharat Singh, Shri

Dalwai, Shri Hussain

Bhardwaj, Shri Parasram

Damor, Shri Somjibhai

Bhatia, Shri R.L.

Das, Shri Anadi Charan

Bhoi, Dr. Krupasindhu

Das, Shri R.P.

Bhosale, Shri Prataprao B.

Das, Shri Sudarsan

Bhumij, Shri Haren

Das Munsí, Shri Priya Ranjan

Bhuria, Shri Dileep Singh

Dennis, Shri N.

Birbal, Shri

Dev, Shri Sontosh Mohan

Devi, Prof. Chandra Bhanu

Gohil, Shri G.B.

Dhariwal, Shri Shanti

Gomango, Shri Girdhar

Dhillon, Dr. G.S.

Gounder, Shri A.S.

Digal, Shri Radhakanta

Gowda, Shri H.N. Nanje

Dighe, Shri Sharad

Guha, Dr. Phulrenu

Digvijaya Singh, Shri

Gupta, Shri Janak Raj

Dikshit, Shrimati Sheila

Gupta, Shrimati Prabhawati

Dinesh Singh, Shri

Halder, Prof. M.R.

Dube, Shri Bhishma Deo

Jadeja, Shri D.P.

Engti, Shri Biren Singh

Jaffar Sharief, Shri C.K.

Faleiro, Shri Eduardo

Jagannath Prasad, Shri

Gadgil, Shri V.N.

Jain, Shri Nihal Singh

Gadhvi, Shri B.K.

Jain, Shri Virbhi Chander

Gaekwad, Shri Ranjit Singh

Jangde, Shri Khelan Ram

Gailwad, Shri Udaysingrao

Jatav, Shri Kammodilal

Garnit, Shri C.D.

Jeevarathinam, Shri R.

Gandhi, Shri Rajiv

Jena, Shri Chintamani

Ganga Ram, Shri

Jitendra Prasada, Shri

Gavit, Shri Manikrao Hodlya

Jujhar Singh, Shri

Gehlot, Shri Ashok

Kamal Nath, Shri

Gholap, Shri S.G.

Kamble, Shri Arvind Tulshiram

Ghorpade, Shri M.Y.

Kamson, Prof. Meijinlung

Ghosai, Shri Debi

Kaul, Shrimati Sheila

Ghosh, Shri Bimal Kanti

Kaushal, Shri Jagan Nath

Ken, Shri Lala Ram

Mallick, Shri Lakshman

Keyur Bhushan Shri

Malviya, Shri Bapulal

Khan, Shri Aslam Sher

Mane, Shri Murlidhar

Khan, Shri Khurshid Alam

Mane, Shri R.S.

Khan, Shri Mohd. Ayub

Manorama Singh, Shrimati

Khatti, Shri Nirmal

Manvendra Singh, Shri

Khirhar, Shri R.S.

Meena, Shri Ram Kumar

Kinder Lal, Shri

Mehta, Shri Haroobhai

Krishna Singh, Shri

Meira Kumar, Shrimati

Kshirsagar, Shrimati Kesharbai

Mishra, Shri G.S.

Kuchan, Shri Gangadhar S.

Mishra, Shri Ram Nagina

Kujur, Shri Maurice

Mishra, Shri Shripati

Kumaramangalam, Shri P.R.

Mishra, Shri Umakant

Kunjambu, Shri

Misra, Shri Nityananda

Kuppuswamy, Shri C.K.

Modi, Shri Vishnu

Kurlen, Prof. P.J.

Mohanty, Shri Brajamohan

Lachchi Ram, Shri

More, Prof. Ramkrishna

Law, Shri Asutosh

Mukhopadhyay, Shri Ananda Gopal

Lowang, Shri Wangpha

Mundackal, Shri George Joseph

Madhuree Singh, Shrimati

Murmu, Shri Sidha Lal

Mahabir Prasad, Shri

Murthy, Shri M. V. Chandrashekara

Mahendra Singh, Shri

Mushran, Shri Ajay

Makwana, Shri Narsinh

Muttemwar, Shri Vilas

Malik, Shri Dharampal Singh

Naik, Shri Shantaram

Nakar, Shri D.K.

Patel, Shri U.H.

Namgyal, Shri P.

Pathak, Shri Chandra Kishore

Narayanan, Shri K.R.

Patil, Shri Balasaheb Vikhe

Nawal Prabhakar, Shrimati Sunderwati

Patil, Shri H.B.

Neekhara, Shri Rameshwar

Patil, Shri Prakash V.

Negi, Shri Chandra Mohan Singh

Patil, Shri Shivraj V.

Netam, Shri Arvind

Patil, Shri Uttamrao

Odeyar, Shri Ohannaiah

Patil, Shri Veerendra

Pakeer Mohamed, Shri E.S.M.

Patil, Shri Vijay N.

Pandey, Shri Damodar

Patnaik, Shrimati Jayanti

Pandey, Shri Madan

Pattnaik, Shri Jagannath

Pandey, Shri Manoj

Peruman, Dr. P. Vallal

Panigrahi, Shri Chintamani

Poojary, Shri Janardhana

Panigrahi, Shri Sriballav

Potdukhe, Shri Shantaram

Panika, Shri Ram Pyare

Prabhu, Shri R.

Pant, Shri K.C.

Pradhan, Shri K.N.

Panwar, Shri Satyanarayan

Pradhani, Shri K.

Parashar, Prof. Narain Chand

Puran Chandra, Shri

Pardhi, Shri Kesharao

Purohit, Shri Banwari Lal

Paswan, Shri Ram Bhagat

Purushothaman, Shri Vakkom

Patel, Shri Ahmed M.

Pushpa Devi, Kumari

Patel, Shri C.D.

Qureshi, Shri Aziz

Patel, Shri G.I.

Raghuraj Singh, Chaudhary

Patel, Shri Mohanbhai

Rai, Shri I. Rama

Rai, Shri Raj Kumar

Rathod, Shri Uttam

Rai, Shri Ramdeo

Raut, Shri Bhola

Raj Karan Singh, Shri

Ravani, Shri Navin

Rajeshwaran, Dr. V.

Rawat, Shri Harish

Rajhans, Dr. G.S.

Rawat, Shri Kamla Prasad

Ram, Shri Ram Ratan

Rawat, Shri Prabhu Lal

Ram, Shri Ramswaroop

Sahi, Shrimati Krishna

Ram Awadh Prasad, Shri

Sahu, Shri Shiv Prasad

Ram Dhan, Shri

Sait, Shri Azeez

Ram Prakash, Ch.

Sakargaym, Shri Kalicharan

Ram Samujhawan, Shri

Salahuddin, Shri

Ram Singh Shri

Sankhawar, Shri Ashkaran

Ramachandran, Shri Mullappally

Sankata Prasad, Dr.

Rampal Singh, Shri

Satyendra Chandra, Shri

Rana Vir Singh, Shri

Sathe, Shri Vasant

Ranga, Prof. N.G.

Sayeed, Shri P.M.

Ranganath, Shri K.H.

Scindia, Shri Madhavrao

Rao, Shri J. Chokka

Sen, Shri Bholanath

Rao, Shri J. Vengala

Sethi, Shri Ananta Prasad

Rao, Shri K.S.

Shah, Shri Anoopchand

Rao, Shri P.V. Narasimha

Shahi, Shri Laliteshwar

Rao, Shri V. Krishna

Shailesh, Dr. B.L.

Rath, Shri Somnath

Shaktawat, Prof. Nirmala Kumari

Rathawa, Shri Amarsinh

Shankaranand, Shri B.

Shanmugam, Shri P.

Sinha, Shrimati Kishori

Shanti Devi, Shrimati

Sinha, Shri Satyendra Narayan

Sharma, Shri Chiranji Lal

Sodi, Shri Mankuram

Sharma, Shri Nand Kishore

Solanki, Shri Kalyan Singh

Sharma, Shri Nawal Kishore

Solanki, Shri Natavarsinh

Sharma, Shri Pratap Bhanu

Soren, Shri Harihar

Shastri, Shri Hari Krishna

Sparrow, Shri R.S.

Shervani, Shri Saleem I.

Sreenivasa Prasad, Shri V.

Shingda, Shri D.B.

Sukh Ram, Shri

Shivendra Bahadur Singh, Shri

Sukhbuns Kaur, Shrimati

Siddiq, Shri Hafiz Mohd.

Sultanpuri, Shri K.D.

Sidnal, Shri S.B.

Suman, Shri R.P.

Singaravadivel, Shri S.

Sundararaj, Shri N.

Singh, Shri Bhanu Pratap

Surendra Pal Singh, Shri

Singh, Shri Chandra Pratap Narain

Suryawanshi, Shri Narsing

Singh, Shri D.G.

Swami Prasad Singh, Shri

Singh, Shri K.N.

Swell, Shri G.G.

Singh, Shri Kamla Prasad

Tapeswar Singh, Shri

Singh, Shri Krishna Pratap

Tewary, Prof. K.K.

Singh, Shri Lal Vijay Pratap

Thakkar, Shrimati Usha

Singh, Shri N. Tombi

Thakur, Shri C.P.

Singh, Shri S.D.

Thara Devi, Kumari D.K.

Singh, Shri Santosh Kumar

Thomas, Prof. K.V.

Singh Deo, Shri K.P.

Thorat, Shri Bhausahab

Thungon, Shri P.K.

Yadava, Shri D.P.

Tigga, Shri Simon

Yashpal SSingh, Shri

Tilakdhari Singh, Shri

Yazdani, Dr. Golam

Tomar, Shrimati Usha Rani

Yogesh, Shri Yogeshwar Prasad

Tripathi, Dr. Chandra Shekhar

Zainul Basher, Shri

Tyagi, Shri Dharamvir Singh

NOES

Tytler, Shri Jagdish

Acharia, Shri Basudeb

Vairale, Shri Madhusudan

Athwal, Shri Charanjit Singh

Van, Shri Deep Narain

Barman, Shri Palas

Vanakar, Shri Punam Chand Mithabhai

Basu, Shri Anil

Venkatesan, Shri P.R.S.

Bhandari, Shrimati D.K.

Verma, Dr. C.S.

Bhoopathy, Shri G.

Verma, Shrimati Usha

Biswas, Shri Ajoy

Vijayaraghavan, Shri V.S

**Chandrakar, Shri Chandulal

Vir Sen, Shri

Chatterjee, Shri Somnath

Vyas, Shri Girdhari Lal

Choubey, Shri Narayan

Wasnik, Shri Mukul

Chowdhary, Shri Sarfuddin

Yadav, Shri Kailash

Dandavate, Prof. Madhu

Yadav, Shri Mahabir Prasad

Das, Shri R.P.

Yadav, Shri R.N.

Datta, Shri Amal

Yadav, Shri Ram Singh

Deo, shri V. Kishore Chandra S.

Yadav, Shri Shyam Lal

Gill, Shri M.S.

Yadava, Shri Bal Ram Singh

Goswami, Shri Dinesh

Godwa, Shri K.V. Shankara

Reddi, Shri C. Madhav

Hannan Mollah, Shri

Reddy, Shri B.N.

Hansda, Shri Matilal

Reddy, Shri Bezawada Papi

Iyer, Shri V.S. Krishna

Reddy, Shri C. Janga

Jagathrakshakan, Dr. S.

Reddy, Shri D.N.

Kalpana Devi, Dr. T.

Reddy, Shri P. Manik

Khan, Shri Mohd. Mahfooz Ali

Reddy, Shri S. Jaipal

Kurup, Shri Suresh

Rryan, Shri Baju Ban

Mahata, Shri Chitta

Ray, Dr. Sudhir

Malik, Shri Purna Chandra

Roypradhan, Shri Amar

Masudal Hassain, Shri Syed

Saha, Shri Ajit Kumar

Mukherjee, Shrimati Geeta

Saha, Shri Gadadhar

Natarajan, Shri K.R.

Samant, Dr. Datta

Patel, Dr. A.K.

Sambu, Shri C.

Pathak, Shri Ananda

Sanyal, Shri Manik

Patil, Shri D.B.

Shahabuddin, Shri Syed

Penchalliah, Shri P.

Shaminder Singh, Shri

Raju, Shri Vijaya Kumar

Singh, Shri Ram Narain

Ram Bahadur Singh, Shri

Somu, Shri N.V.N.

Ramashray Prasad Singh, Shri

Swamy, Shri D. Narayana

Rao, Shri A.J.V.B. Maheswara

Tiraky, Shri Piyus

Rao, Dr. G. Vijaya Rama

Tulsiram, Shri V.

Rao, Shri Srihari

Yadav, Shri Vijoy Kumar

Rao, Shri V. Sobhanadreeswara

Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is:

The motion was adopted.

Ayes : 328

Noes : 65

MR. DEPUTY SPEAKER : The House stands adjourned to re-assemble tomorrow at 11.00 A.M.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two thirds of the Members present and voting.

20.14 hrs.

The Bill is passed by the requisite majority, in accordance with the provisions of Article 368 of the Constitution.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, March 24, 1988/ Chaitra 4, 1910 (Saka)

*The following Members also recorded their votes:

AYES: Shri Brahma Datt, Shrimati Sumati Oraon, Shri Birinder Singh, Shri Prakash Chandra, Shri Chandulal Chandrakar, Shri A.K. Panja and Shri A. Charles